تَقْرِيبُ التَّقْرِيب

تَرْجَمَةٌ لَفْظًا بِلَفْظٍ لِغَايَةِ الِاخْتِصَارِ

Taqrīb al-Taqrīb

Facilitating the Approximation

A Word-for-Word Translation of Ghayat al-Ikhtisar

Title (اسم)
Introduction (المقدمة)
Book of Purification (كتاب الطهارة)
Book of Prayer (كتاب الصلاة)
Book of Funerals (كتاب الجنائز)
Book of Zakat (كتاب الزكاة)
Book of Fasting (كتاب الصيام)
Book of Hajj (كتاب الحج)
Book of Sale (كتاب البيع)
Book of Partnership (كتاب الشركة)
Book of Agency (كتاب الوكالة)
Book of Acknowledgment (كتاب الإقرار)
Book of Loans (كتاب القرض)
Book of Usurpation (كتاب الغصب)
Book of Preemption (كتاب الشفعة)
Book of Lease (كتاب الإجارة)

Book of Cultivation of Wasteland (كتاب إحياء الموات)
Book of Endowments (كتاب الوقف)
Book of Gifts (كتاب الهبة)
Book of Deposits (كتاب الوديعة)
Book of Borrowing (كتاب العارية)
Book of Marriage (كتاب النكاح)
Book of Dowry (كتاب الصداق)
Book of Divorce (كتاب الطلاق)
Book of Emancipation (كتاب العتق)
Book of Oaths (كتاب الأيمان)
Book of Fixed Penalties (كتاب الحدود)
Book of Theft and Banditry (كتاب السرقة والقطع)
Book of Retaliation (كتاب القصاص)
Book of Blood Money (كتاب الديات)
Book of Inheritance (كتاب الفرائض)

Title

[*Matn Abi Shuja'*, the *primer* of Imam *Abu Shuja'* Ahmad ibn al-Husayn al-Asfahani, who named it *Ghayat al-Ikhtisar*, is well known among scholars and students of knowledge as *al-Taqrib,* or *Taqrib*.]

غَايَةِ الِاخْتِصَارِ

The Pinnacle of Abridgement.

غَايَةُ	The utmost, goal

الْإِخْتِصَارِ	of conciseness, abridgment

التَّقْرِيبِ	The facilitation, approximation

Introduction

مُقَدِّمَةُ الْمُؤَلِّفِ

الْحَمْدُ لِلَّهِ الَّذِي هَدَانَا لِلْإِيمَانِ وَعَلَّمَنَا مَا لَمْ نَكُنْ نَعْلَمُ، وَالصَّلَاةُ وَالسَّل سَيِّدِنَا مُحَمَّدٍ خَاتَمِ النَّبِيِّينَ، وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ. أَمَّا بَعْدُ، فَهَذَا مُخْتَصَرٌ فِي الْفِقْهِ عَلَى مَذْهَبِ الإِمَامِ الشَّافِعِيِّ رَحِمَهُ اللهُ، جَمَعْتُهُ لِيَكُونَ عَوْنًا لِطَالِبِ الْعِلْمِ، وَسَمَّيْتُهُ غَايَةَ الِاخْتِصَارِ

Praise to Allah Who guided us to faith and taught us what not we were knowing. And prayer and peace our master Muhammad seal prophets and upon his family and his companions all. To proceed this concise in jurisprudence according to school Imam al-Shafi‘i mercy Allah him I compiled it to be aid for student knowledge and I named it Pinnacle of Abridgment.

مُقَدِّمَةُ	introduction
الْمُؤَلِّفِ	the author

الْحَمْدُ	the praise
لِلَّهِ	to Allah
الَّذِي	who
هَدَانَا	guided us
لِلْإِيمَانِ	to the faith
وَعَلَّمَنَا	and taught us
مَا	what
لَمْ	not
نَكُنْ	we were
نَعْلَمُ	knowing
وَالصَّلَاةُ	and the prayer (blessings)
وَالسَّلَامُ	and the peace
عَلَى	upon
سَيِّدِنَا	our master

مُحَمَّدٍ	Muhammad
خَاتَمِ	seal
النَّبِيِّينَ	of the prophets
وَعَلَى	and upon
آلِ	family
هِ	of him (his)
وَصَحْبِهِ	and his companions
أَجْمَعِينَ	all together
أَمَّا	As for
بَعْدُ	after
فَهَذَا	so this is
مُخْتَصَرٌ	a concise (summary)
فِي	in
الْفِقْهِ	the fiqh (jurisprudence)

عَلَى	according to
مَذْهَبِ	the school
الإِمَامِ	the Imam
الشَّافِعِيِّ	al-Shafi‘i
رَحِمَهُ	may He have mercy
اللهُ	Allah
جَمَعْتُهُ	I compiled it
لِيَكُونَ	to be
عَوْنًا	an aid
لِطَالِبِ	for the seeker
الْعِلْمِ	of knowledge
وَسَمَّيْتُهُ	and I named it
غَايَةَ	the utmost

of conciseness (abridgment)	الِاخْتِصَارِ

Purification

كِتَابُ الطَّهَارَةِ

الْمِيَاهُ سَبْعَةُ أَنْوَاعٍ: مَاءُ الْمَطَرِ، وَمَاءُ الْبَحْرِ، وَمَاءُ النَّهْرِ، وَمَاءُ الْبِئْرِ، وَمَاءُ الْعَيْنِ، وَمَاءُ الثَّلْجِ، وَمَاءُ الْبَرَدِ. وَمَا كَانَ مِنْهَا طَاهِرًا طَهُورًا جَازَ اسْتِعْمَالُهُ فِي الْوُضُوءِ وَالْغُسْلِ. وَفُرُوضُ الْوُضُوءِ سِتَّةُ أَشْيَاءَ: نِيَّةُ رَفْعِ الْحَدَثِ عِنْدَ غَسْلِ الْوَجْهِ، وَغَسْلُ الْوَجْهِ، وَغَسْلُ الْيَدَيْنِ إِلَى الْمَرْفَقَيْنِ، وَمَسْحُ بَعْضِ الرَّأْسِ، وَغَسْلُ الرِّجْلَيْنِ إِلَى الْكَعْبَيْنِ، وَالتَّرْتِيبُ. وَنَوَاقِضُ الْوُضُوءِ خَمْسَةُ أَشْيَاءَ: مَا خَرَجَ مِنَ السَّبِيلَيْنِ، وَالنَّجَاسَةُ الْخَارِجَةُ مِنْ سَائِرِ الْبَدَنِ، وَزَوَالُ الْعَقْلِ، وَمَسُّ الْجِلْدِ بَيْنَ الرَّجُلِ وَالْمَرْأَةِ، وَمَسُّ الْفَرْجِ. وَالْغُسْلُ فَرْضٌ لِأَرْبَعَةِ أَشْيَاءَ: الْجَنَابَةُ، وَالْحَيْضُ، وَالنِّفَاسُ، وَالْمَوْتُ. وَفُرُوضُهُ ثَلَاثَةٌ: نِيَّةُ رَفْعِ الْحَدَثِ، وَتَعْمِيمُ الْمَاءِ عَلَى الْبَدَنِ، وَتَخْلِيلُ الشَّعْرِ. وَالتَّيَمُّمُ جَائِزٌ لِعَدَمِ الْمَاءِ أَوْ لِعَجْزٍ عَنْ اسْتِعْمَالِهِ. وَفُرُوضُهُ أَرْبَعَةٌ: نِيَّةُ رَفْعِ الْحَدَثِ، وَالضَّرْبَةُ الْأُولَى عَلَى التُّرَابِ، وَمَسْحُ الْوَجْهِ، وَمَسْحُ الْيَدَيْنِ إِلَى الْمَرْفَقَيْنِ. وَالنَّجَاسَةُ ثَلَاثَةُ أَنْوَاعٍ: مُغَلَّظَةٌ، وَمُخَفَّفَةٌ، وَمُتَوَسِّطَةٌ. فَالْمُغَلَّظَةُ

نَجَاسَةُ الْكَلْبِ وَالْخِنْزِيرِ وَمَا تَوَلَّدَ مِنْهُمَا. وَالْمُخَفَّفَةُ بَوْلُ الْغُلَامِ الَّذِي لَمْ يَأْكُلِ الطَّعَامَ. وَالْمُتَوَسِّطَةُ مَا عَدَا ذَلِكَ. وَتُزَالُ النَّجَاسَةُ بِالْمَاءِ الطَّاهِرِ الطَّهُورِ، فَإِنْ كَانَتْ مُغَلَّظَةً فَبِسَبْعِ غَسَلَاتٍ إِحْدَاهُنَّ بِتُرَابٍ، وَإِنْ كَانَتْ مُخَفَّفَةً فَبِرَذَاذٍ، وَإِنْ كَانَتْ مُتَوَسِّطَةً فَبِغَسْلٍ حَتَّى تَزُولَ

The chapter on Purification

Waters are seven types: water of rain, and water of sea, and water of river, and water of well, and water of spring, and water of snow, and water of hail. And what was from them pure purifying, permissible its use in ablution and bathing. And obligations of ablution six things: intention raising impurity at washing face, and washing face, and washing hands to elbows, and wiping part head, and washing feet to ankles, and sequence. And nullifiers of ablution five things: what exited from two passages, and impurity exiting from rest body, and loss mind, and touching skin between man and woman, and touching private parts. And bathing obligatory for four things: major impurity, menstruation, postpartum bleeding, and death. And its obligations three: intention raising impurity, spreading water on body, and running fingers through hair. And dry ablution permissible for absence water or inability its use. And its obligations four: intention raising impurity, first strike on soil, wiping face, and wiping hands to elbows. And impurity three types: heavy, light, and medium. So heavy impurity dog and pig and what derived from them. And light urine boy who not ate food. And medium what besides that. And removed impurity with water pure purifying, so if heavy then with seven washings one them with soil, and if light then with sprinkling, and if medium then with washing until removed.

كِتَابُ	book
الطَّهَارَةِ	of the purification, purity
الْمِيَاهُ	The waters
سَبْعَةُ	seven
أَنْوَاعٍ	types, kinds
مَاءُ	Water
الْمَطَرِ	of the rain
وَمَاءُ	and water
الْبَحْرِ	of the sea
وَمَاءُ	and water
النَّهْرِ	of the river
وَمَاءُ	and water
الْبِئْرِ	of the well
وَمَاءُ	and water

الْعَيْنِ	of the spring, eye
وَمَاءُ	and water
الثَّلْجِ	of the snow
وَمَاءُ	and water
الْبَرَدِ	of the hail
وَمَا	And what
كَانَ	was
مِنْهَا	of them
طَاهِرًا	pure
طَهُورًا	purifying
جَازَ	permissible
اسْتِعْمَالُهُ	its use, using it
فِي	in
الْوُضُوءِ	the ablution

وَالْغُسْلِ	and the ritual bath
وَفُرُوضُ	And obligations
الْوُضُوءِ	of the ablution
سِتَّةُ	six
أَشْيَاءَ	things
نِيَّةُ	intention
رَفْعِ	of removing
الْحَدَثِ	the impurity, event
عِنْدَ	at (for)
غَسْلِ	of washing
الْوَجْهِ	the face
وَغَسْلُ	and washing
الْوَجْهِ	the face
وَغَسْلُ	and washing

الْيَدَيْنِ	of the hands
إِلَى	up to
الْمَرْفَقَيْنِ	the elbows
وَمَسْحُ	and wiping
بَعْضِ	some of
الرَّأْسِ	the head
وَغَسْلُ	and washing
الرِّجْلَيْنِ	of the feet
إِلَى	up to
الْكَعْبَيْنِ	the ankles
وَالتَّرْتِيبُ	and the order
وَنَوَاقِضُ	And nullifiers
الْوُضُوءِ	of the ablution
خَمْسَةُ	five

أَشْيَاءَ	things
مَا	what
خَرَجَ	exits
مِنَ	from
السَّبِيلَيْنِ	the two paths, passages
وَالنَّجَاسَةُ	and the impurity
الْخَارِجَةُ	the exiting
مِنْ	from
سَائِرِ	rest
الْبَدَنِ	of the body
وَزَوَالُ	and loss
الْعَقْلِ	of the intellect, mind
وَمَسُّ	and touching
الْجِلْدِ	of the skin

بَيْنَ	between
الرَّجُلِ	the man
وَالْمَرْأَةِ	and the woman
وَمَسُّ	and touching
الْفَرْجِ	of the private part
وَالْغُسْلُ	And the ritual bath
فَرْضٌ	obligatory, duty
لِأَرْبَعَةِ	for four
أَشْيَاءَ	things
الْجَنَابَةُ	the major impurity, janabah
وَالْحَيْضُ	and the menstruation
وَالنِّفَاسُ	and the postpartum bleeding
وَالْمَوْتُ	and the death

وَفُرُوضُهُ	and its obligations
ثَلَاثَةٌ	three
نِيَّةُ	intention
رَفْعِ	of removing
الْحَدَثِ	the impurity, event
وَتَعْمِيمُ	and encompassing
الْمَاءِ	of the water
عَلَى	over, upon
الْبَدَنِ	the body
وَتَخْلِيلُ	and interspersing, interlacing
الشَّعْرِ	of the hair
وَالتَّيَمُّمُ	And the dry ablution
جَائِزٌ	permissible, allowed

لِعَدَمِ	for absence
الْمَاءِ	of the water
أَوْ	or
لِعَجْزٍ	for inability
عَنْ	from
اسْتِعْمَالِهِ	its use, using it
وَفُرُوضُهُ	and its obligations
أَرْبَعَةٌ	four
نِيَّةُ	intention
رَفْعِ	of removing
الْحَدَثِ	the impurity, event
وَالضَّرْبَةُ	and the strike
الْأُولَى	the first
عَلَى	on, upon

التُّرَابِ	the dust, earth
وَمَسْحُ	and wiping
الْوَجْهِ	of the face
وَمَسْحُ	and wiping
الْيَدَيْنِ	of the hands
إِلَى	up to
الْمَرْفَقَيْنِ	the elbows
وَالنَّجَاسَةُ	And the impurity
ثَلَاثَةُ	three
أَنْوَاعٍ	types, kinds
مُغَلَّظَةٌ	severe, heavy
وَمُخَفَّفَةٌ	and light, lessened
وَمُتَوَسِّطَةٌ	and medium, intermediate
فَالْمُغَلَّظَةُ	So the severe

نَجَاسَةُ	impurity
الْكَلْبِ	of the dog
وَالْخِنْزِيرِ	and the pig
وَمَا	and what
تَوَلَّدَ	is born
مِنْهُمَا	from them (both)
وَالْمُخَفَّفَةُ	And the light
بَوْلُ	urine
الْغُلَامِ	of the boy
الَّذِي	who
لَمْ	not
يَأْكُلِ	eats
الطَّعَامَ	the food
وَالْمُتَوَسِّطَةُ	And the medium

مَا	what
عَدَا	besides
ذَلِكَ	that
وَتُزَالُ	And is removed
النَّجَاسَةُ	the impurity
بِالْمَاءِ	with the water
الطَّاهِرِ	the pure
الطَّهُورِ	the purifying
فَإِنْ	and if
كَانَتْ	it was
مُغَلَّظَةً	severe, heavy
فَبِسَبْعِ	then with seven
غَسَلَاتٍ	washings
إِحْدَاهُنَّ	one of them

بِتُرَابٍ	with dust, earth
وَإِنْ	and if
كَانَتْ	it was
مُخَفَّفَةً	light, lessened
فَبِرَذَاذٍ	then with sprinkling
وَإِنْ	and if
كَانَتْ	it was
مُتَوَسِّطَةً	medium, intermediate
فَبِغَسْلٍ	then with washing
حَتَّى	until
تَزُولَ	it is removed

Prayer

كِتَابُ الصَّلَاةِ

وَالصَّلَاةُ فَرْضٌ عَلَى كُلِّ مُسْلِمٍ بَالِغٍ عَاقِلٍ طَاهِرٍ، وَفُرُوضُهَا اثْنَا عَشَرَ: نِيَّةُ الْفَرْضِ، وَتَكْبِيرَةُ الْإِحْرَامِ، وَالْقِيَامُ لِلْقَادِرِ، وَقِرَاءَةُ الْفَاتِحَةِ، وَالرُّكُوعُ، وَالِاعْتِدَالُ، وَالسُّجُودُ، وَالْجُلُوسُ بَيْنَ السَّجْدَتَيْنِ، وَالْجُلُوسُ الْأَخِيرُ، وَالتَّشَهُّدُ، وَالصَّلَاةُ عَلَى النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، وَالسَّلَامُ. وَسُنَنُهَا ثَمَانِيَةٌ: قِرَاءَةُ سُورَةٍ بَعْدَ الْفَاتِحَةِ، وَالْجَهْرُ فِي الْجَهْرِيَّةِ، وَالسِّرُّ فِي السِّرِّيَّةِ، وَالتَّعَوُّذُ، وَالْبَسْمَلَةُ، وَتَأْمِينُ الْإِمَامِ وَالْمَأْمُومِ، وَالْقُنُوتُ فِي الصُّبْحِ، وَالصَّلَاةُ عَلَى آلِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ. وَشُرُوطُهَا سِتَّةٌ: طَهَارَةُ الْحَدَثِ، وَطَهَارَةُ الْخَبَثِ، وَسَتْرُ الْعَوْرَةِ، وَاسْتِقْبَالُ الْقِبْلَةِ، وَالْوَقْتُ، وَالْعَقْلُ. وَمَوَاقِيتُ الصَّلَوَاتِ الْخَمْسِ: الظُّهْرُ مِنْ زَوَالِ الشَّمْسِ إِلَى أَنْ يَصِيرَ ظِلُّ كُلِّ شَيْءٍ مِثْلَهُ، وَالْعَصْرُ مِنْ انْتِهَاءِ الظُّهْرِ إِلَى غُرُوبِ الشَّمْسِ، وَالْمَغْرِبُ مِنْ غُرُوبِ الشَّمْسِ إِلَى مَغِيبِ الشَّفَقِ الْأَحْمَرِ، وَالْعِشَاءُ مِنْ مَغِيبِ الشَّفَقِ إِلَى طُلُوعِ الْفَجْرِ، وَالصُّبْحُ مِنْ طُلُوعِ الْفَجْرِ إِلَى طُلُوعِ الشَّمْسِ.

The chapter on prayer

Prayer is obligatory upon every Muslim who is adult, sane, and pure. Its obligations are twelve: the intention for the obligation, the opening takbir of consecration, standing for the able, recitation of Al-Fatiha, bowing, straightening up, prostration, sitting between the two prostrations, the final sitting, the testimony, sending blessings upon the Prophet (peace and blessings be upon him), and the salutation. Its recommended acts are eight: reciting a surah after Al-Fatiha, audible recitation in audible prayers, silent recitation in silent prayers, seeking refuge, saying Bismillah, saying Ameen by the

imam and the follower, the supplication in the morning prayer, and sending blessings upon the Prophet's family (peace and blessings be upon him). Its conditions are six: purity from ritual impurity, purity from physical filth, covering the private parts, facing the Qibla, the prescribed time, and sanity. The timings of the five prayers are: Dhuhr from the sun's decline until the shadow of everything equals its length, Asr from the end of Dhuhr until sunset, Maghrib from sunset until the disappearance of the red twilight, Isha from the disappearance of the red twilight until dawn, and Subh from dawn until sunrise.

كِتَابُ	book
الصَّلَاةِ	of the prayer
وَالصَّلَاةُ	And the prayer
فَرْضٌ	obligatory, duty
عَلَى	upon
كُلِّ	every
مُسْلِمٍ	Muslim
بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational
طَاهِرٍ	pure

وَفُرُوضُهَا	and its obligations
اثْنَا	two
عَشَرَ	ten (twelve)
نِيَّةُ	intention
الْفَرْضِ	of the obligation
وَتَكْبِيرَةُ	and saying Allahu Akbar
الْإِحْرَامِ	of the consecration
وَالْقِيَامُ	and the standing
لِلْقَادِرِ	for the able
وَقِرَاءَةُ	and recitation
الْفَاتِحَةِ	of the Fatiha
وَالرُّكُوعُ	and the bowing
وَالِاعْتِدَالُ	and the straightening
وَالسُّجُودُ	and the prostration

وَالْجُلُوسُ	and the sitting
بَيْنَ	between
السَّجْدَتَيْنِ	the two prostrations
وَالْجُلُوسُ	and the sitting
الْأَخِيرُ	the final
وَالتَّشَهُّدُ	and the testimony
وَالصَّلَاةُ	and the blessings, prayer
عَلَى	upon
النَّبِيِّ	the Prophet
صَلَّى	may send blessings
اللهُ	Allah
عَلَيْهِ	upon him
وَسَلَّمَ	and peace
وَالسَّلَامُ	and the peace (salutation)

وَسُنَنُهَا	And its recommended acts
ثَمَانِيَةٌ	eight
قِرَاءَةُ	recitation
سُورَةٍ	of a surah
بَعْدَ	after
الْفَاتِحَةِ	the Fatiha
وَالْجَهْرُ	and the audible recitation
فِي	in
الْجَهْرِيَّةِ	the audible (prayers)
وَالسِّرُّ	and the silent recitation
فِي	in
السِّرِّيَّةِ	the silent (prayers)
وَالتَّعَوُّذُ	and seeking refuge
وَالْبَسْمَلَةُ	and saying Bismillah

وَتَأْمِينُ	and saying Ameen
الْإِمَامِ	of the imam
وَالْمَأْمُومِ	and the follower
وَالْقُنُوتُ	and the supplication
فِي	in
الصُّبْحِ	the morning (prayer)
وَالصَّلَاةُ	and the blessings, prayer
عَلَى	upon
آلِ	family
النَّبِيِّ	of the Prophet
صَلَّى	may send blessings
اللهُ	Allah
عَلَيْهِ	upon him
وَسَلَّمَ	and peace

وَشُرُوطُهَا	And its conditions
سِتَّةٌ	six
طَهَارَةُ	purity
الْحَدَثِ	from the impurity, event
وَطَهَارَةُ	and purity
الْخَبَثِ	from the filth
وَسَتْرُ	and covering
الْعَوْرَةِ	of the private parts
وَاسْتِقْبَالُ	and facing
الْقِبْلَةِ	the Qibla
وَالْوَقْتُ	and the time
وَالْعَقْلُ	and the sanity, intellect
وَمَوَاقِيتُ	And timings
الصَّلَوَاتِ	of the prayers

الْخَمْسِ	the five
الظُّهْرُ	Dhuhr
مِنْ	from
زَوَالِ	declining
الشَّمْسِ	of the sun
إِلَى	to, until
أَنْ	that
يَصِيرَ	becomes
ظِلُّ	shadow
كُلِّ	every
شَيْءٍ	thing
مِثْلَهُ	its like, equal to it
وَالْعَصْرُ	and Asr
مِنْ	from

انْتِهَاءِ	end
الظُّهْرِ	of Dhuhr
إِلَى	to, until
غُرُوبِ	setting
الشَّمْسِ	of the sun
وَالْمَغْرِبُ	and Maghrib
مِنْ	from
غُرُوبِ	setting
الشَّمْسِ	of the sun
إِلَى	to, until
مَغِيبِ	disappearance
الشَّفَقِ	of the twilight
الْأَحْمَرِ	the red
وَالْعِشَاءُ	and Isha

مِنْ	from
مَغِيبِ	disappearance
الشَّفَقِ	of the twilight
إِلَى	to, until
طُلُوعِ	rising
الْفَجْرِ	of the dawn
وَالصُّبْحُ	and the morning, Subh
مِنْ	from
طُلُوعِ	rising
الْفَجْرِ	of the dawn
إِلَى	to, until
طُلُوعِ	rising
الشَّمْسِ	of the sun

Funerals

كِتَابُ الْجَنَائِزِ

وَالْمَوْتَى يُغَسَّلُونَ وَيُكَفَّنُونَ وَيُصَلَّى عَلَيْهِمْ وَيُدْفَنُونَ، وَفُرُوضُ غُسْلِ الْمَيِّتِ ثَلَاثَةٌ: نِيَّةُ غُسْلِ الْمَيِّتِ، وَتَعْمِيمُ الْمَاءِ عَلَى جَمِيعِ الْبَدَنِ، وَتَخْلِيلُ الشَّعْرِ. وَفُرُوضُ التَّكْفِينِ ثَلَاثَةٌ: سَتْرُ جَمِيعِ الْبَدَنِ، وَأَنْ يَكُونَ بِثَوْبٍ طَاهِرٍ، وَأَنْ يَكُونَ مِنْ مَالِ الْمَيِّتِ إِنْ أَوْصَى بِهِ. وَفُرُوضُ صَلَاةِ الْجِنَازَةِ أَرْبَعَةٌ: النِّيَّةُ، وَالتَّكْبِيرَاتُ الْأَرْبَعُ، وَقِرَاءَةُ الْفَاتِحَةِ، وَالصَّلَاةُ عَلَى النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ. وَشُرُوطُهَا خَمْسَةٌ: طَهَارَةُ الْحَدَثِ، وَطَهَارَةُ الْخَبَثِ، وَسَتْرُ الْعَوْرَةِ، وَاسْتِقْبَالُ الْبِلَةِ، وَأَنْ يَكُونَ الْمَيِّتُ مُسْلِمًا. وَالدَّفْنُ فَرْضٌ، وَيُسْتَحَبُّ أَنْ يُدْفَنَ فِي لَحْدٍ وَيُوضَعَ عَلَى جَنْبِهِ الْأَيْمَنِ مُسْتَقْبِلًا الْقِبْلَةَ.

The chapter on funerals:

The deceased are washed, shrouded, prayed over, and buried. The obligations of washing the deceased are three: the intention to wash the deceased, encompassing the entire body with water, and interspersing the hair. The obligations of shrouding are three: covering the entire body, using pure cloth, and it being from the deceased's wealth if they bequeathed it. The obligations of the funeral prayer are four: the intention, the four takbirs, recitation of Al-Fatiha, and sending blessings upon the Prophet (peace and blessings be upon him). Its conditions are five: purity from ritual impurity, purity from physical filth, covering the private parts, facing the Qibla, and the deceased being a Muslim. Burial is obligatory, and it is recommended that they be buried in a niche, placed on their right side, facing the Qibla.

كِتَابُ	Book
الْجَنَائِزِ	of the funerals
وَالْمَوْتَى	And the deceased
يُغَسَّلُونَ	are washed
وَيُكَفَّنُونَ	and are shrouded
وَيُصَلَّى	and are prayed
عَلَيْهِمْ	upon them
وَيُدْفَنُونَ	and are buried
وَفُرُوضُ	And obligations
غُسْلِ	of washing
الْمَيِّتِ	the deceased
ثَلَاثَةٌ	three
نِيَّةُ	intention
غُسْلِ	of washing

الْمَيِّتِ	the deceased
وَتَعْمِيمُ	and encompassing
الْمَاءِ	of the water
عَلَى	over, upon
جَمِيعِ	all
الْبَدَنِ	of the body
وَتَخْلِيلُ	and interspersing, interlacing
الشَّعْرِ	of the hair
وَفُرُوضُ	And obligations
التَّكْفِينِ	of the shrouding
ثَلَاثَةٌ	three
سَتْرُ	covering
جَمِيعِ	all

الْبَدَنِ	of the body
وَأَنْ	and that
يَكُونَ	it be
بِثَوْبٍ	with cloth
طَاهِرٍ	pure
وَأَنْ	and that
يَكُونَ	it be
مِنْ	from
مَالِ	wealth
الْمَيِّتِ	of the deceased
إِنْ	if
أَوْصَى	he bequeathed
بِهِ	with it
وَفُرُوضُ	And obligations

صَلَاةِ	of prayer
الْجِنَازَةِ	the funeral
أَرْبَعَةٌ	four
النِّيَّةُ	the intention
وَالتَّكْبِيرَاتُ	and the sayings of Allahu Akbar
الْأَرْبَعُ	the four
وَقِرَاءَةُ	and recitation
الْفَاتِحَةِ	of the Fatiha
وَالصَّلَاةُ	and the blessings, prayer
عَلَى	upon
النَّبِيِّ	the Prophet
صَلَّى	may send blessings
اللهُ	Allah

عَلَيْهِ	upon him
وَسَلَّمَ	and peace
وَشُرُوطُهَا	And its conditions
خَمْسَةٌ	five
طَهَارَةُ	purity
الْحَدَثِ	from the impurity, event
وَطَهَارَةُ	and purity
الْخَبَثِ	from the filth
وَسَتْرُ	and covering
الْعَوْرَةِ	of the private parts
وَاسْتِقْبَالُ	and facing
الْبِلَةِ	the Qibla
وَأَنْ	and that
يَكُونَ	he be

الْمَيِّتُ	the deceased
مُسْلِمًا	Muslim
وَالدَّفْنُ	And the burial
فَرْضٌ	obligatory, duty
وَيُسْتَحَبُّ	And is recommended
أَنْ	that
يُدْفَنَ	he be buried
فِي	in
لَحْدٍ	a niche (grave)
وَيُوضَعَ	and be placed
عَلَى	on, upon
جَنْبِهِ	his side
الْأَيْمَنِ	the right
مُسْتَقْبِلًا	facing

the Qibla	الْقِبْلَةَ

Zakat

كِتَابُ الزَّكَاةِ

وَالزَّكَاةُ فَرْضٌ عَلَى كُلِّ مُسْلِمٍ حُرٍّ مَالِكٍ لِلنِّصَابِ تَامِّ الْمِلْكِ، وَشُرُوطُهَا خَمْسَةٌ: الْإِسْلَامُ، وَالْحُرِّيَّةُ، وَتَمَامُ الْمِلْكِ، وَالنِّصَابُ، وَحَوَلَانُ الْحَوْلِ فِي الْمَوَاشِي وَالنُّقُودِ. وَأَنْوَاعُ الْمُلِ الزَّكَوِيَّةِ خَمْسَةٌ: الْمَوَاشِي، وَالزَّرْعُ، وَالثِّمَارُ، وَالنُّقُودُ، وَالْمَعَادِنُ. وَالْمَوَاشِي ثَلَاثَةٌ: الْإِبِلُ، وَالْبَقَرُ، وَالْغَنَمُ. وَنِصَابُ الْإِبِلِ خَمْسٌ، وَفِيهَا شَاةٌ، وَنِصَابُ الْبَقَرِ ثَلَاثُونَ، وَفِيهَا تَبِيعٌ، وَنِصَابُ الْغَنَمِ أَرْبَعُونَ، وَفِيهَا شَاةٌ. وَالزَّرْعُ وَالثِّمَارُ إِذَا بَلَغَ نِصَابَهُ خَمْسَةَ أَوْسُقٍ، فَفِيهِ الْعُشْرُ إِنْ سُقِيَ بِمَاءِ السَّمَاءِ، وَنِصْفُ الْعُشْرِ إِنْ سُقِيَ بِالدَّلْوِ أَوِ النَّاضِحِ. وَنِصَابُ النُّقُودِ عِشْرُونَ مِثْقَالًا مِنَ الذَّهَبِ أَوْ مِائَتَا دِرْهَمٍ مِنَ الْفِضَّةِ، وَفِيهَا رُبْعُ الْعُشْرِ. وَالْمَعَادِنُ إِذَا بَلَغَتْ نِصَابَ النُّقُودِ فَفِيهَا رُبْعُ الْعُشْرِ.
وَمَصَارِفُ الزَّكَاةِ ثَمَانِيَةٌ: الْفُقَرَاءُ، وَالْمَسَاكِينُ، وَالْعَامِلُونَ عَلَيْهَا، وَالْمُؤَلَّفَةُ قُلُوبُهُمْ، وَفِي الرِّقَابِ، وَالْغَارِمُونَ، وَفِي سَبِيلِ اللهِ، وَابْنُ السَّبِيلِ.

Zakat is obligatory upon every Muslim who is free, owns the minimum amount (nisab) with complete ownership. Its conditions are five: Islam, freedom, complete ownership, the minimum amount, and the passage of a year for livestock and money. The types of zakatable wealth are five: livestock, crops, fruits, money, and minerals. Livestock are three: camels, cattle, and sheep. The minimum amount for camels is five, and in it is one sheep; for cattle, thirty, and in it is a yearling calf; for sheep, forty, and in it is one sheep. For crops and fruits, if they reach the minimum amount of five wasqs, one-tenth is due if irrigated by rainwater, and half of one-tenth if irrigated by bucket or pump. The minimum amount for money is twenty mithqals of gold or two hundred dirhams of silver, and in it is one-fortieth. For minerals, if they reach the minimum amount of money, one-fortieth is due. The recipients of zakat are eight: the poor, the needy, those working on it, those whose hearts are to be reconciled, for freeing slaves, those in debt, in the cause of Allah, and the wayfarer.

كِتَابُ	Book
الزَّكَاةِ	of the zakat
وَالزَّكَاةُ	And the zakat
فَرْضٌ	obligatory, duty
عَلَى	upon
كُلِّ	every
مُسْلِمٍ	Muslim

حُرٍّ	free
مَالِكٍ	owning
لِلنِّصَابِ	of the minimum amount
تَامٍّ	complete
الْمِلْكِ	of the ownership
وَشُرُوطُهَا	and its conditions
خَمْسَةٌ	five
الْإِسْلَامُ	the Islam
وَالْحُرِّيَّةُ	and the freedom
وَتَمَامُ	and completion
الْمِلْكِ	of the ownership
وَالنِّصَابُ	and the minimum amount
وَحَوَلَانُ	and passage
الْحَوْلِ	of the year

فِي	in
الْمَوَاشِي	the livestock
وَالنُّقُودِ	and the money
وَأَنْوَاعُ	And types
الْمَالِ	of the wealth
الزَّكَوِيَّةِ	the zakatable
خَمْسَةٌ	five
الْمَوَاشِي	the livestock
وَالزَّرْعُ	and the crops
وَالثِّمَارُ	and the fruits
وَالنُّقُودُ	and the money
وَالْمَعَادِنُ	and the minerals
وَالْمَوَاشِي	And the livestock
ثَلَاثَةٌ	three

الْإِبِلُ	the camels
وَالْبَقَرُ	and the cattle
وَالْغَنَمُ	and the sheep
وَنِصَابُ	And minimum amount
الْإِبِلِ	of the camels
خَمْسٌ	five
وَفِيهَا	and in it
شَاةٌ	one sheep
وَنِصَابُ	And minimum amount
الْبَقَرِ	of the cattle
ثَلَاثُونَ	thirty
وَفِيهَا	and in it
تَبِيعٌ	yearling calf
وَنِصَابُ	And minimum amount

الْغَنَمِ	of the sheep
أَرْبَعُونَ	forty
وَفِيهَا	and in it
شَاةٌ	one sheep
وَالزَّرْعُ	And the crops
وَالثِّمَارُ	and the fruits
إِذَا	if
بَلَغَ	it reached
نِصَابَهُ	its minimum amount
خَمْسَةَ	five
أَوْسُقٍ	wasqs
فَفِيهِ	then in it
الْعُشْرُ	one-tenth
إِنْ	if

سُقِيَ	it was irrigated
بِمَاءِ	with water
السَّمَاءِ	of the sky, rain
وَنِصْفُ	and half
الْعُشْرِ	of one-tenth
إِنْ	if
سُقِيَ	it was irrigated
بِالدَّلْوِ	with the bucket
أَوِ	or
النَّاضِحِ	the pump
وَنِصَابُ	And minimum amount
النُّقُودِ	of the money
عِشْرُونَ	twenty
مِثْقَالًا	mithqals

مِنَ	of
الذَّهَبِ	the gold
أَوْ	or
مِائَتَا	two hundred
دِرْهَمٍ	dirhams
مِنَ	of
الْفِضَّةِ	the silver
وَفِيهَا	and in it
رُبْعُ	one-fourth
الْعُشْرِ	of one-tenth
وَالْمَعَادِنُ	And the minerals
إِذَا	if
بَلَغَتْ	they reached
نِصَابَ	minimum amount

النُّقُودِ	of the money
فَفِيهَا	then in it
رُبْعُ	one-fourth
الْعُشْرِ	of one-tenth
وَمَصَارِفُ	And recipients
الزَّكَاةِ	of the zakat
ثَمَانِيَةٌ	eight
الْفُقَرَاءُ	the poor
وَالْمَسَاكِينُ	and the needy
وَالْعَامِلُونَ	and those working
عَلَيْهَا	on it
وَالْمُؤَلَّفَةُ	and those whose hearts
قُلُوبُهُمْ	are to be reconciled
وَفِي	and in

الرِّقَابِ	the slaves (freeing)
وَالْغَارِمُونَ	and those in debt
وَفِي	and in
سَبِيلِ	cause
اللهِ	of Allah
وَابْنُ	and the son
السَّبِيلِ	of the way, wayfarer

Fasting

كِتَابُ الصِّيَامِ

وَالصِّيَامُ فَرْضٌ عَلَى كُلِّ مُسْلِمٍ بَالِغٍ عَاقِلٍ طَاهِرٍ مُقِيمٍ غَيْرِ مَرِيضٍ، وَفُرُوضُهُ ثَلَاثَةٌ: النِّيَّةُ، وَالْإِمْسَاكُ عَنِ الْمُفْطِرَاتِ، وَالزَّمَانُ. وَالنِّيَّةُ فِي رَمَضَانَ يَجِبُ تَعْيِينُهَا قَبْلَ الْفَجْرِ، وَالْمُفْطِرَاتُ سَبْعَةٌ: الْأَكْلُ، وَالشُّرْبُ، وَالْجِمَاعُ، وَالْقَيْءُ عَمْدًا، وَخُرُوجُ الدَّمِ بِالْحِجَامَةِ، وَالْحَيْضُ، وَالنِّفَاسُ. وَشُرُوطُهُ سِتَّةٌ: الْإِسْلَامُ، وَالْبُلُوغُ، وَالْعَقْلُ، وَالطَّهَارَةُ مِنَ الْحَيْضِ وَالنِّفَاسِ، وَالْإِقَامَةُ، وَالصِّحَّةُ. وَمَنْ أَفْطَرَ

عَمْدًا فِي رَمَضَانَ فَعَلَيْهِ الْقَضَاءُ وَالْكَفَّارَةُ، وَالْكَفَّارَةُ عِتْقُ رَقَبَةٍ، فَإِنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ، فَإِنْ لَمْ يَسْتَطِعْ فَإِطْعَامُ سِتِّينَ مِسْكِينًا. وَيُسْتَحَبُّ صِيَامُ سِتَّةِ أَيَّامٍ مِنْ شَوَّالٍ، وَعَاشُورَاءَ، وَتَاسُوعَاءَ، وَالْأَيَّامِ الْبِيضِ، وَيَوْمِ عَرَفَةَ، وَالإِثْنَيْنِ وَالْخَمِيسِ.

The chapter of Fasting

Fasting is obligatory upon every Muslim who is adult, sane, pure, resident, and not ill. Its obligations are three: the intention, abstaining from things that break the fast, and the time. The intention in Ramadan must be specified before dawn. The things that break the fast are seven: eating, drinking, sexual intercourse, intentional vomiting, bloodletting by cupping, menstruation, and postpartum bleeding. Its conditions are six: Islam, puberty, sanity, purity from menstruation and postpartum bleeding, residency, and health. Whoever breaks their fast intentionally in Ramadan must make it up and offer expiation. The expiation is freeing a slave, or if unable, fasting two consecutive months, or if unable, feeding sixty poor people. It is recommended to fast six days of Shawwal, the day of Ashura, the day before Ashura, the white days, the day of Arafah, and Mondays and Thursdays.

كِتَابُ	Book
الصِّيَامِ	of the fasting
وَالصِّيَامُ	And the fasting
فَرْضٌ	obligatory, duty

عَلَى	upon
كُلِّ	every
مُسْلِمٍ	Muslim
بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational
طَاهِرٍ	pure
مُقِيمٍ	resident
غَيْرِ	not
مَرِيضٍ	ill
وَفُرُوضُهُ	and its obligations
ثَلَاثَةٌ	three
النِّيَّةُ	the intention
وَالْإِمْسَاكُ	and the abstaining
عَنِ	from

الْمُفْطِرَاتِ	the things breaking (fast)
وَالزَّمَانُ	and the time
وَالنِّيَّةُ	And the intention
فِي	in
رَمَضَانَ	Ramadan
يَجِبُ	is obligatory
تَعْيِينُهَا	its specification
قَبْلَ	before
الْفَجْرِ	the dawn
وَالْمُفْطِرَاتُ	And the things breaking (fast)
سَبْعَةٌ	seven
الْأَكْلُ	the eating
وَالشُّرْبُ	and the drinking

وَالْجِمَاعُ	and the sexual intercourse
وَالْقَيْءُ	and the vomiting
عَمْدًا	intentionally
وَخُرُوجُ	and exit
الدَّمِ	of the blood
بِالْحِجَامَةِ	by the cupping
وَالْحَيْضُ	and the menstruation
وَالنِّفَاسُ	and the postpartum bleeding
وَشُرُوطُهُ	And its conditions
سِتَّةٌ	six
الْإِسْلَامُ	the Islam
وَالْبُلُوغُ	and the puberty
وَالْعَقْلُ	and the sanity, intellect

وَالطَّهَارَةُ	and the purity
مِنَ	from
الْحَيْضِ	the menstruation
وَالنِّفَاسِ	and the postpartum bleeding
وَالْإِقَامَةُ	and the residency
وَالصِّحَّةُ	and the health
وَمَنْ	And whoever
أَفْطَرَ	broke (fast)
عَمْدًا	intentionally
فِي	in
رَمَضَانَ	Ramadan
فَعَلَيْهِ	then upon him
الْقَضَاءُ	the making up

وَالْكَفَّارَةُ	and the expiation
وَالْكَفَّارَةُ	And the expiation
عِتْقُ	freeing
رَقَبَةٍ	a slave
فَإِنْ	and if
لَمْ	not
يَجِدْ	he finds
فَصِيَامُ	then fasting
شَهْرَيْنِ	two months
مُتَتَابِعَيْنِ	consecutive
فَإِنْ	and if
لَمْ	not
يَسْتَطِعْ	he is able
فَإِطْعَامُ	then feeding

سِتِّينَ	sixty
مِسْكِينًا	poor (person)
وَيُسْتَحَبُّ	And is recommended
صِيَامُ	fasting
سِتَّةِ	six
أَيَّامٍ	days
مِنْ	of
شَوَّالٍ	Shawwal
وَعَاشُورَاءَ	and Ashura
وَتَاسُوعَاءَ	and day before Ashura
وَالْأَيَّامِ	and the days
الْبِيضِ	the white
وَيَوْمِ	and day
عَرَفَةَ	of Arafah

وَالإِثْنَيْنِ	and Monday
وَالْخَمِيسِ	and Thursday

Hajj

كِتَابُ الْحَجِّ

وَالْحَجُّ فَرْضٌ عَلَى كُلِّ مُسْلِمٍ بَالِغٍ عَاقِلٍ حُرٍّ مُسْتَطِيعٍ، وَفُرُوضُهُ خَمْسَةٌ: الْإِحْرَامُ، وَالطَّوَافُ، وَالسَّعْيُ، وَالْوُقُوفُ بِعَرَفَةَ، وَحَلْقُ الرَّأْسِ أَوْ تَقْصِيرُهُ. وَشُرُوطُهُ سِتَّةٌ: الْإِسْلَامُ، وَالْبُلُوغُ، وَالْعَقْلُ، وَالْحُرِّيَّةُ، وَالِاسْتِطَاعَةُ، وَوُجُودُ الْمَحْرَمِ لِلْمَرْأَةِ. وَوَاجِبَاتُهُ سَبْعَةٌ: الْإِحْرَامُ مِنَ الْمِيقَاتِ، وَالْمَبِيتُ بِمُزْدَلِفَةَ، وَالْمَبِيتُ بِمِنًى، وَرَمْيُ الْجِمَارِ، وَطَوَافُ الْوَدَاعِ، وَتَرْكُ الْمَحْظُورَاتِ، وَالنُّسُكُ. وَالْمَحْظُورَاتُ سِتَّةٌ: الْجِمَاعُ، وَلُبْسُ الْمَخِيطِ لِلرَّجُلِ، وَتَغْطِيَةُ الرَّأْسِ، وَقَتْلُ الصَّيْدِ، وَقَطْعُ الشَّجَرِ، وَالتَّطَيُّبُ. وَالنُّسُكُ ثَلَاثَةُ أَنْوَاعٍ: تَمَتُّعٌ، وَقِرَانٌ، وَإِفْرَادٌ. وَمَنْ تَرَكَ فَرْضًا مِنْ فُرُوضِ الْحَجِّ فَحَجُّهُ بَاطِلٌ، وَمَنْ تَرَكَ وَاجِبًا فَعَلَيْهِ دَمٌ.

The Book of Hajj

Hajj is obligatory upon every Muslim who is adult, sane, free, and able. Its obligations are five: entering the state of ihram, circumambulating the Kaaba, performing the sa‘y,

standing at Arafah, and shaving or trimming the head. Its conditions are six: Islam, puberty, sanity, freedom, ability, and the presence of a mahram for a woman. Its obligatory acts are seven: entering ihram from the miqat, spending the night at Muzdalifah, spending the night at Mina, throwing pebbles at the Jamarat, performing the farewell tawaf, avoiding prohibited acts, and choosing a ritual type. The prohibited acts are six: sexual intercourse, wearing sewn garments for men, covering the head, killing game, cutting trees, and using perfume. The ritual types are three: Tamattu‘, Qiran, and Ifrad. Whoever abandons an obligatory duty of Hajj renders their Hajj invalid, and whoever abandons an obligatory act must offer a sacrificial animal.

كِتَابُ	book
الْحَجِّ	of the Hajj
وَالْحَجُّ	and the Hajj
فَرْضٌ	obligatory, duty
عَلَى	upon
كُلِّ	every
مُسْلِمٍ	Muslim
بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational

حُرٍّ	free
مُسْتَطِيعٍ	able, capable
وَفُرُوضُهُ	And its obligations
خَمْسَةٌ	five
الْإِحْرَامُ	the state of ihram, consecration
وَالطَّوَافُ	and the circumambulation
وَالسَّعْيُ	and the sa‘y
وَالْوُقُوفُ	and the standing
بِعَرَفَةَ	at Arafah
وَحَلْقُ	and shaving
الرَّأْسِ	of the head
أَوْ	or
تَقْصِيرُهُ	its trimming

وَشُرُوطُهُ	And its conditions
سِتَّةٌ	six
الْإِسْلَامُ	the Islam
وَالْبُلُوغُ	and the puberty
وَالْعَقْلُ	and the sanity, intellect
وَالْحُرِّيَّةُ	and the freedom
وَالِاسْتِطَاعَةُ	and the ability
وَوُجُودُ	and presence
الْمَحْرَمِ	of the mahram
لِلْمَرْأَةِ	for the woman
وَوَاجِبَاتُ	And obligatory acts
سَبْعَةٌ	seven
الْإِحْرَامُ	the state of ihram, consecration

مِنَ	from
الْمِيقَاتِ	the miqat
وَالْمَبِيتُ	and the spending night
بِمُزْدَلِفَةَ	at Muzdalifah
وَالْمَبِيتُ	and the spending night
بِمِنًى	at Mina
وَرَمْيُ	and throwing
الْجِمَارِ	of the pebbles (Jambarat)
وَطَوَافُ	and circumambulation
الْوَدَاعِ	of the farewell
وَتَرْكُ	and avoiding
الْمَحْظُورَاتِ	the prohibited acts
وَالنُّسُكُ	and the ritual type
وَالْمَحْظُورَاتُ	And the prohibited acts

سِتَّةٌ	six
الْجِمَاعُ	the sexual intercourse
وَلُبْسُ	and wearing
الْمَخِيطِ	the sewn
لِلرَّجُلِ	for the man
وَتَغْطِيَةُ	and covering
الرَّأْسِ	of the head
وَقَتْلُ	and killing
الصَّيْدِ	of the game
وَقَطْعُ	and cutting
الشَّجَرِ	of the tree
وَالتَّطَيُّبُ	and the using perfume
وَالنُّسُكُ	And the ritual type
ثَلَاثَةُ	three

أَنْوَاعٍ	types, kinds
تَمَتُّعٌ	Tamattu‘
وَقِرَانٌ	and Qiran
وَإِفْرَادٌ	and Ifrad
وَمَنْ	And whoever
تَرَكَ	abandoned
فَرْضًا	an obligatory duty
مِنْ	of
فُرُوضِ	obligations
الْحَجِّ	of the Hajj
فَحَجُّهُ	then his Hajj
بَاطِلٌ	invalid
وَمَنْ	And whoever
تَرَكَ	abandoned

وَاجِبًا	an obligatory act
فَعَلَيْهِ	then upon him
دَمٌ	a sacrificial animal

Transactions

كِتَابُ الْبَيْعِ

وَالْبَيْعُ جَائِزٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهُ سَبْعَةٌ: طَهَارَةُ الْمَبِيعِ، وَمِلْكُ الْبَائِعِ لَهُ، وَمَعْرِفَةُ الْمَبِيعِ، وَقَدْرُهُ، وَقَدْرُ الثَّمَنِ، وَقَبُولُ الْمُشْتَرِي، وَإِيجَابُ الْبَائِعِ. وَالْمَبِيعُ إِمَّا عَيْنٌ أَوْ دَيْنٌ أَوْ مَنْفَعَةٌ. وَمَا لَا يَجُوزُ بَيْعُهُ خَمْسَةُ أَشْيَاءَ: النَّجَاسَةُ، وَالْمَيْتَةُ، وَالدَّمُ، وَالْخَمْرُ، وَمَا لَيْسَ بِمَمْلُوكٍ. وَأَنْوَاعُ الْبَيْعِ أَرْبَعَةٌ: مُعَجَّلٌ بِمُعَجَّلٍ، وَمُعَجَّلٌ بِمُؤَجَّلٍ، وَمُؤَجَّلٌ بِمُعَجَّلٍ، وَمُؤَجَّلٌ بِمُؤَجَّلٍ. وَالرِّبَا مُحَرَّمٌ، وَهُوَ نَوْعَانِ: رِبَا الْفَضْلِ، وَرِبَا النَّسِيئَةِ. وَيَجُوزُ السَّلَمُ فِي مَوْصُوفٍ مَعْلُومِ الْجِنْسِ وَالنَّوْعِ وَالْقَدْرِ، وَيَشْتَرِطُ تَسْلِيمَ الثَّمَنِ فِي الْمَجْلِسِ.

The chapter on Transactions

Sale is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are seven: purity of the sold item, the seller’s ownership of it, knowledge of the sold item, its quantity, the price amount, the buyer’s acceptance, and

the seller’s offer. The sold item is either a tangible object, a debt, or a benefit. Five things are impermissible to sell: impure substances, carrion, blood, wine, and what is not owned. The types of sale are four: immediate for immediate, immediate for deferred, deferred for immediate, and deferred for deferred. Usury is forbidden, and it is of two types: usury of excess and usury of delay. Forward sale is permissible for a described item with known genus, type, and quantity, and it requires delivery of the price in the session.

كِتَابُ	Book
الْبَيْعِ	of the sale
وَالْبَيْعُ	And the sale
جَائِزٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished
بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهُ	And its conditions

سَبْعَةٌ	seven
طَهَارَةُ	purity
الْمَبِيعِ	of the sold item
وَمِلْكُ	and ownership
الْبَائِعِ	of the seller
لَهُ	of it
وَمَعْرِفَةُ	and knowledge
الْمَبِيعِ	of the sold item
وَقَدْرُ	and quantity
الْمَبِيعِ	of the sold item
وَقَدْرُ	and amount
الثَّمَنِ	of the price
وَقَبُولُ	and acceptance
الْمُشْتَرِي	of the buyer

وَإِيجَابُ	and offer
الْبَائِعِ	of the seller
وَالْمَبِيعُ	And the sold item
إِمَّا	either
عَيْنٌ	tangible object
أَوْ	or
دَيْنٌ	debt
أَوْ	or
مَنْفَعَةٌ	benefit
وَمَا	And what
لَا	not
يَجُوزُ	is permissible
بَيْعُهُ	its sale
خَمْسَةُ	five

أَشْيَاءَ	things
النَّجَاسَةُ	the impure substance
وَالْمَيْتَةُ	and the carrion
وَالدَّمُ	and the blood
وَالْخَمْرُ	and the wine
وَمَا	and what
لَيْسَ	is not
بِمَمْلُوكٍ	owned
وَأَنْوَاعُ	And types
الْبَيْعِ	of the sale
أَرْبَعَةٌ	four
مُعَجَّلٌ	immediate
بِمُعَجَّلٍ	for immediate
وَمُعَجَّلٌ	and immediate

بِمُؤَجَّلٍ	for deferred
وَمُؤَجَّلٌ	and deferred
بِمُعَجَّلٍ	for immediate
وَمُؤَجَّلٌ	and deferred
بِمُؤَجَّلٍ	for deferred
وَالرِّبَا	And the usury
مُحَرَّمٌ	forbidden
وَهُو	and it
نَوْعَانِ	two types
رِبَا	usury
الْفَضْلِ	of excess
وَرِبَا	and usury
النَّسِيئَةِ	of delay
وَيَجُوزُ	And is permissible

السَّلَمُ	the forward sale
فِي	in
مَوْصُوفٍ	described
مَعْلُومِ	known
الْجِنْسِ	of the genus
وَالنَّوْعِ	and the type
وَالْقَدْرِ	and the quantity
وَيَشْتَرِطُ	And is required
تَسْلِيمَ	delivery
الثَّمَنِ	of the price
فِي	in
الْمَجْلِسِ	the session

Pledges

كِتَابُ الرَّهْنِ

وَالرَّهْنُ جَائِزٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهُ سِتَّةٌ: أَنْ يَكُونَ الْمَرْهُونُ مَالًا مُتَقَوِّمًا، وَأَنْ يَكُونَ مَمْلُوكًا لِلرَّاهِنِ، وَأَنْ يَكُونَ مَعْلُومًا، وَأَنْ يَكُونَ الدَّيْنُ مُسْتَقِرًّا، وَقَبُولُ الْمُرْتَهِنِ، وَإِيجَابُ الرَّاهِنِ. وَالرَّهْنُ لَا يَصِحُّ إِلَّا بِالْقَبْضِ، وَيَجُوزُ لِلْمُرْتَهِنِ حَبْسُ الرَّهْنِ حَتَّى يُوَفَّى الدَّيْنُ، وَلَا يَجُوزُ لَهُ الِانْتِفَاعُ بِهِ إِلَّا بِإِذْنِ الرَّاهِنِ. وَإِذَا هَلَكَ الرَّهْنُ فِي يَدِ الْمُرْتَهِنِ بِغَيْرِ تَفْرِيطٍ فَلَا ضَمَانَ عَلَيْهِ، وَإِنْ كَانَ بِتَفْرِيطٍ فَعَلَيْهِ الضَّمَانُ.

The chapter on Pledges

A pledge is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are six: that the pledged item be valuable property, that it be owned by the pledger, that it be known, that the debt be established, the pledgee’s acceptance, and the pledger’s offer. A pledge is not valid except by possession, and the pledgee may retain the pledged item until the debt is fulfilled. The pledgee may not benefit from it except with the pledger’s permission. If the pledged item perishes in the pledgee’s possession without negligence, there is no liability on him; but if it is due to negligence, he is liable.

كِتَابُ	book
الرَّهْنِ	of the pledge

وَالرَّهْنُ	and the pledge
جَائِزٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished
بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهُ	And its conditions
سِتَّةٌ	six
أَنْ	that
يَكُونَ	it be
الْمَرْهُونُ	the pledged item
مَالًا	property
مُتَقَوِّمًا	valuable

وَأَنْ	and that
يَكُونَ	it be
مَمْلُوكًا	owned
لِلرَّاهِنِ	by the pledger
وَأَنْ	and that
يَكُونَ	it be
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	it be
الدَّيْنُ	the debt
مُسْتَقِرًّا	established
وَقَبُولُ	and acceptance
الْمُرْتَهِنِ	of the pledgee
وَإِيجَابُ	and offer

الرَّاهِنِ	of the pledger
وَالرَّهْنُ	And the pledge
لَا	not
يَصِحُّ	is valid
إِلَّا	except
بِالْقَبْضِ	by the possession
وَيَجُوزُ	And is permissible
لِلْمُرْتَهِنِ	for the pledgee
حَبْسُ	retaining
الرَّهْنِ	of the pledge
حَتَّى	until
يُوَفَّى	is fulfilled
الدَّيْنُ	the debt
وَلَا	And not

يَجُوزُ	is permissible
لَهُ	for him
الِانْتِفَاعُ	the benefiting
بِهِ	from it
إِلَّا	except
بِإِذْنِ	with permission
الرَّاهِنِ	of the pledger
وَإِذَا	And if
هَلَكَ	perished
الرَّهْنُ	the pledge
فِي	in
يَدِ	hand
الْمُرْتَهِنِ	of the pledgee
بِغَيْرِ	without

تَفْرِيطٍ	negligence
فَلَا	then no
ضَمَانَ	liability
عَلَيْهِ	on him
وَإِنْ	And if
كَانَ	it was
بِتَفْرِيطٍ	by negligence
فَعَلَيْهِ	then upon him
الضَّمَانُ	the liability

Bankruptcy

كِتَابُ التَّفْلِيسِ

وَالتَّفْلِيسُ يَثْبُتُ بِحُكْمِ الْقَاضِي عَلَى مَنْ تَعَذَّرَتْ عَلَيْهِ أَدَاءُ دُيُونِهِ، وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ الْمَدِينُ مُعْسِرًا، وَأَنْ تَكُونَ الدُّيُونُ مُسْتَقِرَّةً، وَأَنْ يَطْلُبَ الْغُرَمَاءُ الْحَجْرَ عَلَيْهِ. وَيُحْجَرُ عَلَى الْمُفْلِسِ فِي تَصَرُّفَاتِهِ

الْمَالِيَّةِ، وَتُبَاعُ أَمْوَالُهُ لِقَضَاءِ دُيُونِهِ، وَيُقَسَّمُ مَالُهُ بَيْنَ الْغُرَمَاءِ بِالْحِصَصِ. وَإِنْ تَعَذَّرَ قَضَاءُ جَمِيعِ الدُّيُونِ فَلَا يُطَالَبُ الْمُفْلِسُ بِمَا بَقِيَ إِلَّا إِذَا اسْتَغْنَى.

The section on Bankruptcy

Bankruptcy is established by the judge's ruling upon one who is unable to pay his debts. Its conditions are three: that the debtor be insolvent, that the debts be established, and that the creditors request restriction upon him. The bankrupt is restricted in his financial transactions, his properties are sold to settle his debts, and his wealth is divided among the creditors proportionally. If settling all debts is impossible, the bankrupt is not held liable for the remainder unless he becomes solvent.

كِتَابُ	Book
التَّفْلِيسِ	of the bankruptcy
وَالتَّفْلِيسُ	And the bankruptcy
يَثْبُتُ	is established
بِحُكْمِ	by ruling
الْقَاضِي	of the judge
عَلَى	upon

مَنْ	who
تَعَذَّرَتْ	became unable
عَلَيْهِ	upon him
أَدَاءُ	payment
دُيُونِهِ	of his debts
وَشُرُوطُهُ	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الْمَدِينُ	the debtor
مُعْسِرًا	insolvent
وَأَنْ	and that
تَكُونَ	they be
الدُّيُونُ	the debts

مُسْتَقِرَّةً	established
وَأَنْ	and that
يَطْلُبَ	they request
الْغُرَمَاءُ	the creditors
الْحَجْرَ	the restriction
عَلَيْهِ	upon him
وَيُحْجَرُ	And is restricted
عَلَى	upon
الْمُفْلِسِ	the bankrupt
فِي	in
تَصَرُّفَاتِهِ	his transactions
الْمَالِيَّةِ	the financial
وَتُبَاعُ	And are sold
أَمْوَالُهُ	his properties

لِقَضَاءِ	to settle
دُيُونِهِ	his debts
وَيُقَسَّمُ	And is divided
مَالُهُ	his wealth
بَيْنَ	among
الْغُرَمَاءِ	the creditors
بِالْحِصَصِ	by the proportions
وَإِنْ	And if
تَعَذَّرَ	was impossible
قَضَاءُ	settling
جَمِيعِ	all
الدُّيُونِ	of the debts
فَلَا	then not
يُطَالَبُ	he is held liable

الْمُفْلِسُ	the bankrupt
بِمَا	for what
بَقِيَ	remained
إِلَّا	except
إِذَا	if
اسْتَغْنَى	he became solvent

Interdiction

كِتَابُ الْحَجْرِ

وَالْحَجْرُ يَثْبُتُ عَلَى ثَلَاثَةٍ: الصَّغِيرِ، وَالْمَجْنُونِ، وَالسَّفِيهِ. وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ الْمَحْجُورُ عَلَيْهِ مُحْتَاجًا لِلْحَجْرِ، وَأَنْ يَكُونَ الْحَجْرُ بِحُكْمِ الْقَاضِي، وَأَنْ يَكُونَ لِمَصْلَحَةِ الْمَحْجُورِ عَلَيْهِ. وَيُمْنَعُ الْمَحْجُورُ عَلَيْهِ مِنَ التَّصَرُّفِ فِي مَالِهِ إِلَّا بِإِذْنِ الْوَلِيِّ أَوِ الْوَصِيِّ، وَيُزَالُ الْحَجْرُ عَنِ الصَّغِيرِ بِالْبُلُوغِ، وَعَنِ الْمَجْنُونِ بِالْعَقْلِ، وَعَنِ السَّفِيهِ بِالرُّشْدِ.

The chapter on Interdiction

Interdiction is established upon three: the minor, the insane, and the prodigal. Its conditions are three: that the interdicted person be in need of interdiction, that the interdiction be by the judge’s ruling, and that it be in the interest of the interdicted person. The interdicted person is prevented from disposing of his wealth except with the permission of the guardian or trustee. Interdiction is lifted from the minor upon reaching puberty, from the insane upon regaining sanity, and from the prodigal upon attaining sound judgment.

كِتَابُ	Book
الْحَجْرِ	of the interdiction
وَالْحَجْرُ	And the interdiction
يَثْبُتُ	is established
عَلَى	upon
ثَلَاثَةٍ	three
الصَّغِيرِ	the minor
وَالْمَجْنُونِ	and the insane
وَالسَّفِيهِ	and the prodigal

وَشُرُوطُهُ	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الْمَحْجُورُ	the interdicted
عَلَيْهِ	upon him
مُحْتَاجًا	in need
لِلْحَجْرِ	of the interdiction
وَأَنْ	and that
يَكُونَ	it be
الْحَجْرُ	the interdiction
بِحُكْمِ	by ruling
الْقَاضِي	of the judge
وَأَنْ	and that

يَكُونَ	it be
لِمَصْلَحَةِ	for the interest
الْمَحْجُورِ	of the interdicted
عَلَيْهِ	upon him
وَيُمْنَعُ	And is prevented
الْمَحْجُورُ	the interdicted
عَلَيْهِ	upon him
مِنَ	from
التَّصَرُّفِ	the disposing
فِي	in
مَالِهِ	his wealth
إِلَّا	except
بِإِذْنِ	with permission
الْوَلِيِّ	of the guardian

أَوِ	or
الْوَصِيِّ	the trustee
وَيُزَالُ	And is lifted
الْحَجْرُ	the interdiction
عَنِ	from
الصَّغِيرِ	the minor
بِالْبُلُوغِ	by the puberty
وَعَنِ	and from
الْمَجْنُونِ	the insane
بِالْعَقْلِ	by the sanity, intellect
وَعَنِ	and from
السَّفِيهِ	the prodigal
بِالرُّشْدِ	by the sound judgment

Found Property

كِتَابُ اللَّقَطَةِ

وَاللَّقَطَةُ مَالٌ مَفْقُودٌ يَجِدُهُ إِنْسَانٌ، وَيَجِبُ عَلَى الْوَاجِدِ تَعْرِيفُهَا سَنَةً إِنْ كَانَتْ قِيمَتُهَا دِرْهَمًا فَأَكْثَرَ، وَشُرُوطُ التَّعْرِيفِ ثَلَاثَةٌ: أَنْ يُعَرِّفَهَا فِي مَجَالِسِ الْقَوْمِ، وَأَنْ يَكُونَ التَّعْرِيفُ مُتَوَاصِلًا، وَأَنْ يَكُونَ بِحَضْرَةِ شُهُودٍ. وَإِنْ لَمْ يَظْهَرْ صَاحِبُهَا بَعْدَ السَّنَةِ جَازَ لِلْوَاجِدِ تَمَلُّكُهَا، وَلَهُ الِانْتِفَاعُ بِهَا مَعَ ضَمَانِهَا. وَإِنْ طُولِبَ بِهَا مِنْ صَاحِبِهَا الْحَقِيقِيِّ فَعَلَيْهِ رَدُّهَا أَوْ قِيمَتُهَا إِنْ تَلِفَتْ.

The chapter on Found Property

Found property is lost wealth found by a person. The finder must announce it for a year if its value is a dirham or more. The conditions of announcement are three: announcing it in public gatherings, making the announcement continuous, and doing so in the presence of witnesses. If the owner does not appear after a year, the finder may take possession of it and benefit from it while being liable for it. If the rightful owner claims it, the finder must return it or its value if it has been damaged.

كِتَابُ	book
اللَّقَطَةِ	of the found property
وَاللَّقَطَةُ	and the found property
مَالٌ	wealth

مَفْقُودٌ	lost
يَجِدُهُ	finds it
إِنْسَانٌ	a person
وَيَجِبُ	And is obligatory
عَلَى	upon
الْوَاجِدِ	the finder
تَعْرِيفُهَا	its announcement
سَنَةً	a year
إِنْ	if
كَانَتْ	it was
قِيمَتُهَا	its value
دِرْهَمًا	a dirham
فَأَكْثَرَ	or more
وَشُرُوطُ	And conditions

التَّعْرِيفِ	of the announcement
ثَلَاثَةٌ	three
أَنْ	that
يُعَرِّفَهَا	he announces it
فِي	in
مَجَالِسِ	gatherings
الْقَوْمِ	of the people
وَأَنْ	and that
يَكُونَ	it be
التَّعْرِيفُ	the announcement
مُتَوَاصِلًا	continuous
وَأَنْ	and that
يَكُونَ	it be
بِحَضْرَةِ	in the presence

شُهُودٍ	of witnesses
وَإِنْ	And if
لَمْ	not
يَظْهَرْ	appears
صَاحِبُهَا	its owner
بَعْدَ	after
السَّنَةِ	the year
جَازَ	is permissible
لِلْوَاجِدِ	for the finder
تَمَلُّكُهَا	its possession
وَلَهُ	And for him
الِانْتِفَاعُ	the benefiting
بِهَا	from it
مَعَ	with

ضَمَانِهَا	its liability
وَإِنْ	And if
طُولِبَ	he is claimed
بِهَا	for it
مِنْ	from
صَاحِبِهَا	its owner
الْحَقِيقِيِّ	the rightful
فَعَلَيْهِ	then upon him
رَدُّهَا	its return
أَوْ	or
قِيمَتُهَا	its value
إِنْ	if
تَلِفَتْ	it was damaged

Runaway Slaves

كِتَابُ الْإِبَاقِ

وَالْعَبْدُ الْآبِقُ هُوَ الَّذِي يَهْرُبُ مِنْ سَيِّدِهِ، وَيَجِبُ عَلَى مَنْ وَجَدَهُ رَدُّهُ إِلَى سَيِّدِهِ إِنْ عَرَفَهُ، وَإِلَّا أَوْدَعَهُ عِنْدَ الْقَاضِي. وَشُرُوطُ رَدِّ الْآبِقِ ثَلَاثَةٌ: أَنْ يَكُونَ الْعَبْدُ مَمْلُوكًا، وَأَنْ يَكُونَ مَعْرُوفًا بِالْإِبَاقِ، وَأَنْ يَكُونَ السَّيِّدُ مَعْلُومًا. وَإِنْ أَنْكَرَ الْعَبْدُ رِقَّتَهُ فَلَا يُرَدُّ حَتَّى تَثْبُتَ رِقِّيَّتُهُ بِالْبَيِّنَةِ. وَلَا يَجُوزُ لِأَحَدٍ إِيوَاءُ الْآبِقِ أَوْ مُعَامَلَتُهُ بِبَيْعٍ أَوْ شِرَاءٍ.

The chapter on Runaway Slaves

A runaway slave is one who flees from his master. Whoever finds him must return him to his master if he knows him, otherwise he must deposit him with the judge. The conditions for returning a runaway slave are three: that the slave be owned, that he be known for fleeing, and that the master be known. If the slave denies his servitude, he is not returned until his servitude is proven by evidence. It is not permissible for anyone to shelter a runaway slave or engage in transactions with him, such as buying or selling.

كِتَابُ	Book
الْإِبَاقِ	of the runaway slaves
وَالْعَبْدُ	And the slave
الْآبِقُ	the runaway
هُوَ	he is

الَّذِي	the one who
يَهْرُبُ	flees
مِنْ	from
سَيِّدِهِ	his master
وَيَجِبُ	And is obligatory
عَلَى	upon
مَنْ	whoever
وَجَدَهُ	finds him
رَدُّهُ	his return
إِلَى	to
سَيِّدِهِ	his master
إِنْ	if
عَرَفَهُ	he knew him
وَإِلَّا	otherwise

أَوْدَعَهُ	he deposits him
عِنْدَ	with
الْقَاضِي	the judge
وَشُرُوطُ	And conditions
رَدِّ	of returning
الْآبِقِ	the runaway
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الْعَبْدُ	the slave
مَمْلُوكًا	owned
وَأَنْ	and that
يَكُونَ	he be
مَعْرُوفًا	known

بِالْإِبَاقِ	for fleeing
وَأَنْ	and that
يَكُونَ	he be
السَّيِّدُ	the master
مَعْلُومًا	known
وَإِنْ	And if
أَنْكَرَ	he denies
الْعَبْدُ	the slave
رِقَّتَهُ	his servitude
فَلَا	then not
يُرَدُّ	he is returned
حَتَّى	until
تَثْبُتَ	is proven
رِقِّيَّتُهُ	his servitude

بِالْبَيِّنَةِ	by the evidence
وَلَا	And not
يَجُوزُ	is permissible
لِأَحَدٍ	for anyone
إِيوَاءُ	sheltering
الْآبِقِ	the runaway
أَوْ	or
مُعَامَلَتُهُ	his transaction
بِبَيْعٍ	with sale
أَوْ	or
شِرَاءٍ	purchase

Missing Persons

كِتَابُ الْمَفْقُودِ

وَالْمَفْقُودُ هُوَ مَنْ غَابَ وَلَمْ تُعْلَمْ حَيَاتُهُ أَوْ مَوْتُهُ، وَيُعْتَبَرُ مَالُهُ فِي يَدِ الْقَاضِي، وَلَا يُتَصَرَّفُ فِيهِ إِلَّا بِإِذْنِهِ. وَشُرُوطُ الْحَجْرِ عَلَى مَالِهِ ثَلَاثَةٌ: أَنْ يَكُونَ غَيْبَتُهُ مُطَوَّلَةً، وَأَنْ لَا يَكُونَ لَهُ وَكِيلٌ مَعْرُوفٌ، وَأَنْ يَكُونَ مَالُهُ مَعْرُوضًا لِلضَّيَاعِ. وَإِنْ ظَهَرَ الْمَفْقُودُ رُدَّ إِلَيْهِ مَالُهُ، وَإِنْ تَبَيَّنَ مَوْتُهُ قُسِّمَ مَالُهُ بَيْنَ وَرَثَتِهِ.

The chapter on Missing Persons

A missing person is one who is absent, and it is unknown whether he is alive or dead. His wealth is considered to be in the custody of the judge, and no disposal of it is allowed except with his permission. The conditions for restricting his wealth are three: that his absence be prolonged, that he have no known agent, and that his wealth be at risk of loss. If the missing person appears, his wealth is returned to him; if his death is confirmed, his wealth is divided among his heirs.

كِتَابُ	Book
الْمَفْقُودِ	of the missing person
وَالْمَفْقُودُ	And the missing person
هُوَ	he is
مَنْ	who
غَابَ	is absent

وَلَمْ	and not
تُعْلَمْ	is known
حَيَاتُهُ	his life
أَوْ	or
مَوْتُهُ	his death
وَيُعْتَبَرُ	And is considered
مَالُهُ	his wealth
فِي	in
يَدِ	hand
الْقَاضِي	of the judge
وَلَا	And not
يُتَصَرَّفُ	is disposed
فِيهِ	in it
إِلَّا	except

بِإِذْنِهِ	with his permission
وَشُرُوطُ	And conditions
الْحَجْرِ	of the restriction
عَلَى	upon
مَالِهِ	his wealth
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	it be
غَيْبَتُهُ	his absence
مُطَوَّلَةً	prolonged
وَأَنْ	and that
لَا	not
يَكُونَ	he has
وَكِيلٌ	an agent

مَعْرُوفٌ	known
وَأَنْ	and that
يَكُونَ	it be
مَالُهُ	his wealth
مَعْرُوضًا	exposed
لِلضَّيَاعِ	to loss
وَإِنْ	And if
ظَهَرَ	he appears
الْمَفْقُودُ	the missing person
رُدَّ	is returned
إِلَيْهِ	to him
مَالُهُ	his wealth
وَإِنْ	And if
تَبَيَّنَ	is confirmed

his death	مَوْتُهُ
is divided	قُسِّمَ
his wealth	مَالُهُ
among	بَيْنَ
his heirs	وَرَثَتِهِ

Partnership

كِتَابُ الشَّرْكَةِ

وَالشَّرْكَةُ جَائِزَةٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَهِيَ نَوْعَانِ: شَرْكَةُ عَنَانٍ، وَشَرْكَةُ مُفَاوَضَةٍ. وَشُرُوطُهَا خَمْسَةٌ: أَنْ يَكُونَ الْمَالُ مَعْلُومًا، وَأَنْ يَكُونَ مُشْتَرَكًا، وَأَنْ يَكُونَ الرِّبْحُ مُشْتَرَكًا، وَأَنْ يَكُونَ الْعَقْدُ صَرِيحًا، وَأَنْ يَكُونَ الشَّرِيكَانِ مُتَسَاوِيَيْنِ فِي التَّصَرُّفِ. وَيُقَسَّمُ الرِّبْحُ بِحَسَبِ الشَّرْطِ، وَإِنْ حَصَلَ خُسْرَانٌ تَحَمَّلَاهُ بِقَدْرِ مَالِهِمَا. وَتَنْفَسِخُ الشَّرْكَةُ بِمَوْتِ أَحَدِ الشَّرِيكَيْنِ أَوْ جُنُونِهِ أَوْ فَسْخِ أَحَدِهِمَا.

The chapter on Partnership

Partnership is permissible between two contracting parties distinguished by puberty and sanity, and it is of two types: partnership of liability and partnership of negotiation. Its conditions are five: that the wealth be known, that it be shared, that the profit be shared, that the contract be explicit, and that the partners be equal in disposal. The profit is divided according to the agreement, and if a loss occurs, they bear it according to their share of wealth. The partnership is dissolved by the death of one partner, his insanity, or the cancellation by one of them.

كِتَابُ	Book
الشَّرْكَةِ	of the partnership
وَالشَّرْكَةُ	And the partnership
جَائِزَةٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished
بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَهِيَ	And it

نَوْعَانِ	two types
شَرْكَةُ	partnership
عَنَانٍ	of liability
وَشَرْكَةُ	and partnership
مُفَاوَضَةٍ	of negotiation
وَشُرُوطُهَا	And its conditions
خَمْسَةٌ	five
أَنْ	that
يَكُونَ	it be
الْمَالُ	the wealth
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	it be
مُشْتَرَكًا	shared

وَأَنْ	and that
يَكُونَ	it be
الرِّبْحُ	the profit
مُشْتَرَكًا	shared
وَأَنْ	and that
يَكُونَ	it be
الْعَقْدُ	the contract
صَرِيحًا	explicit
وَأَنْ	and that
يَكُونَ	they be
الشَّرِيكَانِ	the two partners
مُتَسَاوِيَيْنِ	equal
فِي	in
التَّصَرُّفِ	the disposal

وَيُقَسَّمُ	And is divided
الرِّبْحُ	the profit
بِحَسَبِ	according to
الشَّرْطِ	the agreement
وَإِنْ	And if
حَصَلَ	occurs
خُسْرَانٌ	a loss
تَحَمَّلَاهُ	they bear it
بِقَدْرِ	according to
مَالِهِمَا	their wealth
وَتَنْفَسِخُ	And is dissolved
الشَّرْكَةُ	the partnership
بِمَوْتِ	by death
أَحَدِ	of one

الشَّرِيكَيْنِ	of the two partners
أَوْ	or
جُنُونِهِ	his insanity
أَوْ	or
فَسْخِ	cancellation
أَحَدِهِمَا	of one of them

Agency

كِتَابُ الْوَكَالَةِ

وَالْوَكَالَةُ جَائِزَةٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهَا أَرْبَعَةٌ: أَنْ يَكُونَ الْمُوَكَّلُ مُخْتَارًا، وَأَنْ يَكُونَ الْوَكِيلُ أَهْلًا لِلتَّصَرُّفِ، وَأَنْ يَكُونَ الْمُوَكَّلُ بِهِ مَعْلُومًا، وَأَنْ يَكُونَ مِمَّا يَجُوزُ نَفَاذُهُ بِالْوَكَالَةِ. وَتَصِحُّ الْوَكَالَةُ فِي الْبَيْعِ وَالشِّرَاءِ وَالْقَبُولِ وَالْإِيجَابِ وَغَيْرِهَا مِنَ التَّصَرُّفَاتِ. وَتَنْفَسِخُ الْوَكَالَةُ بِمَوْتِ أَحَدِ الطَّرَفَيْنِ أَوْ جُنُونِهِ أَوْ عَزْلِ الْمُوَكَّلِ لِلْوَكِيلِ.

The chapter on Agency

Agency is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are four: that the principal be acting voluntarily, that the agent be competent to dispose, that the entrusted matter be known, and that it be something permissible to effect through agency. Agency is valid in selling, buying, acceptance, offer, and other transactions. Agency is dissolved by the death of either party, their insanity, or the principal’s dismissal of the agent.

كِتَابُ	book
الْوَكَالَةِ	of the agency
وَالْوَكَالَةُ	and the agency
جَائِزَةٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished
بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهَا	And its conditions
أَرْبَعَةٌ	four

أَنْ	that
يَكُونَ	he be
الْمُوَكَّلُ	the principal
مُخْتَارًا	acting voluntarily
وَأَنْ	and that
يَكُونَ	he be
الْوَكِيلُ	the agent
أَهْلًا	competent
لِلتَّصَرُّفِ	for the disposal
وَأَنْ	and that
يَكُونَ	it be
الْمُوَكَّلُ	the entrusted
بِهِ	with it
مَعْلُومًا	known

وَأَنْ	and that
يَكُونَ	it be
مِمَّا	from what
يَجُوزُ	is permissible
نَفَاذُهُ	its effect
بِالْوَكَالَةِ	through the agency
وَتَصِحُّ	And is valid
الْوَكَالَةُ	the agency
فِي	in
الْبَيْعِ	the selling
وَالشِّرَاءِ	and the buying
وَالْقَبُولِ	and the acceptance
وَالْإِيجَابِ	and the offer
وَغَيْرِهَا	and others

مِنَ	of
التَّصَرُّفَاتِ	the transactions
وَتَنْفَسِخُ	And is dissolved
الْوَكَالَةُ	the agency
بِمَوْتِ	by death
أَحَدِ	of one
الطَّرَفَيْنِ	of the two parties
أَوْ	or
جُنُونِهِ	his insanity
أَوْ	or
عَزْلِ	dismissal
الْمُوَكَّلِ	of the principal
لِلْوَكِيلِ	of the agent

Acknowledgment

كِتَابُ الْإِقْرَارِ

وَالْإِقْرَارُ جَائِزٌ مِنْ بَالِغٍ عَاقِلٍ مُخْتَارٍ، وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ الْمُقِرُّ أَهْلًا لِلْإِقْرَارِ، وَأَنْ يَكُونَ الْمُقَرُّ بِهِ مَعْلُومًا، وَأَنْ يَكُونَ مِمَّا يَصِحُّ الْتِزَامُهُ. وَالْإِقْرَارُ يَكُونُ بِالْمَالِ أَوْ بِالْحَقِّ أَوْ بِالدَّيْنِ. وَإِذَا أَقَرَّ بِشَيْءٍ لَزِمَهُ إِثْبَاتُهُ أَوْ أَدَاؤُهُ، وَلَا يَصِحُّ الْإِقْرَارُ لِمَجْهُولٍ إِلَّا إِذَا كَانَ مُعَيَّنًا بِوَصْفٍ يُعْرَفُ بِهِ.

The chapter on Acknowledgment

Acknowledgment is permissible from an adult, sane, and voluntary person. Its conditions are three: that the acknowledger be competent to acknowledge, that the acknowledged matter be known, and that it be something permissible to undertake. Acknowledgment can be of wealth, a right, or a debt. If someone acknowledges something, he is obligated to prove or fulfill it. Acknowledgment to an unknown person is not valid unless they are specified by a known description.

كِتَابُ	book
الْإِقْرَارِ	of the acknowledgment
وَالْإِقْرَارُ	And the acknowledgment
جَائِزٌ	permissible
مِنْ	from

بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational
مُخْتَارٍ	voluntary
وَشُرُوطُهُ	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الْمُقِرُّ	the acknowledger
أَهْلًا	competent
لِلْإِقْرَارِ	for the acknowledgment
وَأَنْ	and that
يَكُونَ	it be
الْمُقَرُّ	the acknowledged
بِهِ	with it

مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	it be
مِمَّا	from what
يَصِحُّ	is valid
الْتِزَامُهُ	its undertaking
وَالْإِقْرَارُ	And the acknowledgment
يَكُونُ	is
بِالْمَالِ	of the wealth
أَوْ	or
بِالْحَقِّ	of the right
أَوْ	or
بِالدَّيْنِ	of the debt
وَإِذَا	And if

أَقَرَّ	he acknowledges
بِشَيْءٍ	something
لَزِمَهُ	it obligates him
إِثْبَاتُهُ	its proof
أَوْ	or
أَدَاؤُهُ	its fulfillment
وَلَا	And not
يَصِحُّ	is valid
الْإِقْرَارُ	the acknowledgment
لِمَجْهُولٍ	to an unknown
إِلَّا	except
إِذَا	if
كَانَ	he was
مُعَيَّنًا	specified

بِوَصْفٍ	by a description
يُعْرَفُ	is known
بِهِ	by it

Loans

كِتَابُ الْقَرْضِ

وَالْقَرْضُ جَائِزٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهُ أَرْبَعَةٌ: أَنْ يَكُونَ الْمَقْرُوضُ مَالًا مُتَقَوِّمًا، وَأَنْ يَكُونَ مَعْلُومًا، وَأَنْ يَكُونَ الْعَقْدُ صَرِيحًا، وَأَنْ يَكُونَ الْمُقْتَرِضُ أَهْلًا لِلْتَصَرُّفِ. وَيَجِبُ عَلَى الْمُقْتَرِضِ رَدُّ مِثْلِ الْمَقْرُوضِ إِنْ كَانَ مِثْلِيًّا، أَوْ قِيمَتِهِ إِنْ كَانَ قِيمِيًّا. وَلَا يَجُوزُ اشْتِرَاطُ زِيَادَةٍ فِي الْقَرْضِ لِأَنَّهُ رِبًا.

The chapter of Loans

A loan is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are four: that the loaned item be valuable property, that it be known, that the contract be explicit, and that the borrower be competent to dispose. The borrower must return the equivalent of the loaned item if it is fungible, or its value if it is non-fungible. It is not permissible to stipulate an increase in the loan, as that is usury.

كِتَابُ	Book
الْقَرْضِ	of the loan
وَالْقَرْضُ	And the loan
جَائِزٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished
بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهُ	And its conditions
أَرْبَعَةٌ	four
أَنْ	that
يَكُونَ	it be
الْمَقْرُوضُ	the loaned item

مَالًا	property
مُتَقَوِّمًا	valuable
وَأَنْ	and that
يَكُونَ	it be
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	it be
الْعَقْدُ	the contract
صَرِيحًا	explicit
وَأَنْ	and that
يَكُونَ	he be
الْمُقْتَرِضُ	the borrower
أَهْلًا	competent
لِلتَّصَرُّفِ	for the disposal

وَيَجِبُ	And is obligatory
عَلَى	upon
الْمُقْتَرِضِ	the borrower
رَدُّ	return
مِثْلِ	the equivalent
الْمَقْرُوضِ	of the loaned item
إِنْ	if
كَانَ	was
مِثْلِيًّا	fungible
أَوْ	or
قِيمَتِهِ	its value
إِنْ	if
كَانَ	was
قِيمِيًّا	non-fungible

وَلَا	And not
يَجُوزُ	is permissible
اشْتِرَاطُ	stipulation
زِيَادَةٍ	of an increase
فِي	in
الْقَرْضِ	the loan
لِأَنَّهُ	because it
رِبًا	usury

Usurpation

كِتَابُ الْغَصْبِ

وَالْغَصْبُ أَخْذُ مَالِ الْغَيْرِ بِغَيْرِ حَقٍّ، وَيَجِبُ عَلَى الْغَاصِبِ رَدُّ الْمَغْصُوبِ إِنْ كَانَ قَائِمًا، أَوْ قِيمَتِهِ إِنْ تَلِفَ. وَشُرُوطُ الضَّمَانِ ثَلَاثَةٌ: أَنْ يَكُونَ الْمَغْصُوبُ مَالًا مُتَقَوِّمًا، وَأَنْ يَكُونَ مَمْلُوكًا، وَأَنْ يَكُونَ الْغَصْبُ عَمْدًا. وَيَضْمَنُ الْغَاصِبُ مَا تَلِفَ مِنَ الْمَغْصُوبِ وَمَا نَقَصَ مِنْ قِيمَتِهِ، وَلَا يَجُوزُ لَهُ الِانْتِفَاعُ بِالْمَغْصُوبِ.

The chapter on Usurpation

Usurpation is taking another’s property without right. The usurper must return the usurped item if it still exists, or its value if it is damaged. The conditions for liability are three: that the usurped item be valuable property, that it be owned, and that the usurpation be intentional. The usurper is liable for what is damaged of the usurped item and for any decrease in its value, and he may not benefit from the usurped item.

كِتَابُ	Book
الْغَصْبِ	of the usurpation
وَالْغَصْبُ	And the usurpation
أَخْذُ	taking
مَالِ	property
الْغَيْرِ	of another
بِغَيْرِ	without
حَقٍّ	right
وَيَجِبُ	And is obligatory
عَلَى	upon

الْغَاصِبِ	the usurper
رَدُّ	return
الْمَغْصُوبِ	of the usurped item
إِنْ	if
كَانَ	was
قَائِمًا	existing
أَوْ	or
قِيمَتِهِ	its value
إِنْ	if
تَلِفَ	was damaged
وَشُرُوطُ	And conditions
الضَّمَانِ	of the liability
ثَلَاثَةٌ	three
أَنْ	that

يَكُونَ	it be
الْمَغْصُوبُ	the usurped item
مَالًا	property
مُتَقَوِّمًا	valuable
وَأَنْ	and that
يَكُونَ	it be
مَمْلُوكًا	owned
وَأَنْ	and that
يَكُونَ	it be
الْغَصْبُ	the usurpation
عَمْدًا	intentional
وَيَضْمَنُ	And is liable
الْغَاصِبُ	the usurper
مَا	what

تَلِفَ	was damaged
مِنَ	of
الْمَغْصُوبِ	the usurped item
وَمَا	and what
نَقَصَ	decreased
مِنْ	from
قِيمَتِهِ	its value
وَلَا	And not
يَجُوزُ	is permissible
لَهُ	for him
الِانْتِفَاعُ	the benefiting
بِالْمَغْصُوبِ	from the usurped item

Preemption

كِتَابُ الشَّفْعَةِ

وَالشَّفْعَةُ حَقُّ الشَّرِيكِ فِي أَخْذِ الْحِصَّةِ الْمَبِيعَةِ مِنَ الْمُشْتَرِي بِالثَّمَنِ الَّذِي اشْتَرَاهُ بِهِ، وَشُرُوطُهَا أَرْبَعَةٌ: أَنْ يَكُونَ الْمَبِيعُ عَقَارًا مُقَسَّمًا، وَأَنْ يَكُونَ الشَّفِيعُ شَرِيكًا فِي الْعَقَارِ، وَأَنْ يَطْلُبَ الشَّفْعَةَ فَوْرَ عِلْمِهِ بِالْبَيْعِ، وَأَنْ يَكُونَ الْبَيْعُ صَحِيحًا. وَتَسْقُطُ الشَّفْعَةُ بِتَأْخِيرِ الطَّلَبِ أَوْ تَنَازُلِ الشَّفِيعِ عَنْ حَقِّهِ.

The chapter on Preemption

Preemption is the right of a partner to take the sold share from the buyer at the price for which it was purchased. Its conditions are four: that the sold item be divided real estate, that the preemptor be a partner in the real estate, that he demand preemption immediately upon learning of the sale, and that the sale be valid. Preemption is forfeited by delaying the demand or by the preemptor waiving his right.

كِتَابُ	Book
الشَّفْعَةِ	of the preemption
وَالشَّفْعَةُ	And the preemption
حَقُّ	right
الشَّرِيكِ	of the partner
فِي	in

أَخْذِ	taking
الْحِصَّةِ	of the share
الْمَبِيعَةِ	the sold
مِنَ	from
الْمُشْتَرِي	the buyer
بِالثَّمَنِ	at the price
الَّذِي	which
اشْتَرَاهُ	he purchased it
بِهِ	with it
وَشُرُوطُهَا	And its conditions
أَرْبَعَةٌ	four
أَنْ	that
يَكُونَ	it be
الْمَبِيعُ	the sold item

عَقَارًا	real estate
مُقَسَّمًا	divided
وَأَنْ	and that
يَكُونَ	he be
الشَّفِيعُ	the preemptor
شَرِيكًا	a partner
فِي	in
الْعَقَارِ	the real estate
وَأَنْ	and that
يَطْلُبَ	he demands
الشَّفْعَةَ	the preemption
فَوْرَ	immediately
عِلْمِهِ	his knowledge
بِالْبَيْعِ	of the sale

وَأَنْ	and that
يَكُونَ	it be
الْبَيْعُ	the sale
صَحِيحًا	valid
وَتَسْقُطُ	And is forfeited
الشَّفْعَةُ	the preemption
بِتَأْخِيرِ	by delaying
الطَّلَبِ	of the demand
أَوْ	or
تَنَازُلِ	waiving
الشَّفِيعِ	of the preemptor
عَنْ	of
حَقِّهِ	his right

Lease

كِتَابُ الْإِجَارَةِ

وَالْإِجَارَةُ جَائِزَةٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهَا خَمْسَةٌ: أَنْ تَكُونَ الْمَنْفَعَةُ مَعْلُومَةً، وَأَنْ تَكُونَ مُبَاحَةً، وَأَنْ تَكُونَ الْأُجْرَةُ مَعْلُومَةً، وَأَنْ تَكُونَ الْمُدَّةُ مَعْلُومَةً، وَأَنْ يَكُونَ الْمُتَعَاقِدَانِ أَهْلَيْنِ لِلتَّصَرُّفِ. وَتَصِحُّ الْإِجَارَةُ عَلَى الْمَنَافِعِ كَالسُّكْنَى وَالْخِدْمَةِ، وَتَنْفَسِخُ بِمَوْتِ أَحَدِ الطَّرَفَيْنِ أَوْ تَلَفِ الْعَيْنِ الْمُؤَجَّرَةِ.

The section on Lease

A lease is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are five: that the benefit be known, that it be permissible, that the wage be known, that the duration be known, and that the contracting parties be competent to dispose. A lease is valid for benefits such as residence and service. It is dissolved by the death of either party or the destruction of the leased object.

كِتَابُ	book
الْإِجَارَةِ	of the lease
وَالْإِجَارَةُ	and the lease
جَائِزَةٌ	permissible
بَيْنَ	between

مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished
بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهَا	and its conditions
خَمْسَةٌ	five
أَنْ	that
تَكُونَ	it be
الْمَنْفَعَةُ	the benefit
مَعْلُومَةً	known
وَأَنْ	and that
تَكُونَ	it be
مُبَاحَةً	permissible
وَأَنْ	and that

تَكُونَ	it be
الْأُجْرَةُ	the wage
مَعْلُومَةً	known
وَأَنْ	and that
تَكُونَ	it be
الْمُدَّةُ	the duration
مَعْلُومَةً	known
وَأَنْ	and that
يَكُونَ	they be
الْمُتَعَاقِدَانِ	the two contracting parties
أَهْلَيْنِ	competent
لِلتَّصَرُّفِ	for the disposal
وَتَصِحُّ	And is valid
الْإِجَارَةُ	the lease

عَلَى	upon
الْمَنَافِعِ	the benefits
كَالسُّكْنَى	like the residence
وَالْخِدْمَةِ	and the service
وَتَنْفَسِخُ	And is dissolved
بِمَوْتِ	by death
أَحَدِ	of one
الطَّرَفَيْنِ	of the two parties
أَوْ	or
تَلَفِ	destruction
الْعَيْنِ	of the object
الْمُؤَجَّرَةِ	the leased

Cultivation of Wasteland

كِتَابُ إِحْيَاءِ الْمَوَاتِ

وَإِحْيَاءُ الْمَوَاتِ جَائِزٌ لِمَنْ قَدَرَ عَلَى إِصْلَاحِهَا بِالزِّرَاعَةِ أَوِ الْنَيَابِلِ، وَيَصِيرُ الْمُحْيِي مَالِكًا لِلْأَرْضِ بِإِحْيَائِهَا. وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ تَكُونَ الْأَرْضُ مَوَاتًا غَيْرَ مَمْلُوكَةٍ، وَأَنْ يَكُونَ الْإِحْيَاءُ بِإِذْنِ الْإِمَامِ، وَأَنْ يَكُونَ الْمُحْيِي أَهْلًا لِلتَّمَلُّكِ. وَإِنْ تَرَكَ الْمُحْيِي الْأَرْضَ ثَلَاثَ سِنِينَ بِغَيْرِ عُذْرٍ سَقَطَ حَقُّهُ، وَجَازَ لِغَيْرِهِ إِحْيَاؤُهَا.

The chapter on Cultivation of Wasteland

Reviving wasteland is permissible for one capable of improving it through agriculture or planting, and the reviver becomes the owner of the land by reviving it. Its conditions are three: that the land be wasteland and not owned, that the revival be with the ruler’s permission, and that the reviver be competent to own property. If the reviver abandons the land for three years without excuse, his right is forfeited, and another may revive it.

كِتَابُ	book
إِحْيَاءِ	of the revival
الْمَوَاتِ	of the wasteland
وَإِحْيَاءُ	and the revival
الْمَوَاتِ	of the wasteland
جَائِزٌ	permissible

لِمَنْ	for who
قَدَرَ	is capable
عَلَى	of
إِصْلَاحِهَا	its improvement
بِالزِّرَاعَةِ	through the agriculture
أَوِ	or
النَّيَابِلِ	the planting, trees
وَيَصِيرُ	And becomes
الْمُحْيِي	the reviver
مَالِكًا	owner
لِلْأَرْضِ	of the land
بِإِحْيَائِهَا	by its revival
وَشُرُوطُهُ	And its conditions
ثَلَاثَةٌ	three

أَنْ	that
تَكُونَ	it be
الْأَرْضُ	the land
مَوَاتًا	wasteland
غَيْرَ	not
مَمْلُوكَةٍ	owned
وَأَنْ	and that
يَكُونَ	it be
الْإِحْيَاءُ	the revival
بِإِذْنِ	with permission
الْإِمَامِ	of the ruler
وَأَنْ	and that
يَكُونَ	he be
الْمُحْيِي	the reviver

أَهْلًا	competent
لِلتَّمَلُّكِ	for the ownership
وَإِنْ	And if
تَرَكَ	he abandons
الْمُحْيِي	the reviver
الْأَرْضَ	the land
ثَلَاثَ	three
سِنِينَ	years
بِغَيْرِ	without
عُذْرٍ	excuse
سَقَطَ	is forfeited
حَقُّهُ	his right
وَجَازَ	And is permissible
لِغَيْرِهِ	for another

its revival	إِحْيَاؤُهَا

Endowments

كِتَابُ الْوَقْفِ

وَالْوَقْفُ جَائِزٌ مِنْ بَالِغٍ عَاقِلٍ مُخْتَارٍ، وَشُرُوطُهُ أَرْبَعَةٌ: أَنْ يَكُونَ الْمَوْقُوفُ مَالًا مُتَقَوِّمًا مَمْلُوكًا، وَأَنْ يَكُونَ الْمَوْقُوفُ عَلَيْهِ مَعْلُومًا، وَأَنْ يَكُونَ الْوَقْفُ لِوَجْهِ خَيْرٍ، وَأَنْ يَكُونَ الْعَقْدُ صَرِيحًا. وَالْوَقْفُ لَا يُبَاعُ وَلَا يُوهَبُ وَلَا يُورَثُ، وَيُصْرَفُ نَفَقَتُهُ فِي الْجِهَةِ الَّتِي عَيَّنَهَا الْوَاقِفُ. وَإِنْ تَعَذَّرَ الْوَقْفُ عَلَى الْجِهَةِ الْمُعَيَّنَةِ صُرِفَ إِلَى أَقْرَبِ جِهَةٍ لَهَا.

Book of Gifts (كتاب الهبة)

كِتَابُ الْهِبَةِ

وَالْهِبَةُ جَائِزَةٌ مِنْ بَالِغٍ عَاقِلٍ مُخْتَارٍ، وَشُرُوطُهَا ثَلَاثَةٌ: أَنْ يَكُونَ الْمَوْهُوبُ مَالًا مَمْلُوكًا، وَأَنْ يَكُونَ مَعْلُومًا، وَأَنْ يَكُونَ الْمَوْهُوبُ لَهُ قَابِلًا لِلْمِلْكِ. وَتَتِمُّ الْهِبَةُ بِالْإِيجَابِ وَالْقَبُولِ وَالْقَبْضِ، وَلَا تَصِحُّ إِلَّا بِقَبْضِ الْمَوْهُوبِ فِي مَجْلِسِ الْعَقْدِ. وَيَجُوزُ لِلْوَاهِبِ الرُّجُوعُ فِي الْهِبَةِ قَبْلَ الْقَبْضِ، أَوْ بَعْدَهُ بِشَرْطِ عَدَمِ تَغَيُّرِ الْمَوْهُوبِ.

The Book of Gifts

A gift is permissible from an adult, sane, and voluntary person. Its conditions are three: that the gifted item be owned property, that it be known, and that the recipient be

capable of ownership. A gift is completed by offer, acceptance, and possession, and it is not valid except by possession of the gifted item in the contract session. The giver may revoke the gift before possession, or after it, provided the gifted item has not changed.

كِتَابُ	Book
الْهِبَةِ	of the gift
وَالْهِبَةُ	And the gift
جَائِزَةٌ	permissible
مِنْ	from
بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational
مُخْتَارٍ	voluntary
وَشُرُوطُهَا	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	it be

الْمَوْهُوبُ	the gifted item
مَالًا	property
مَمْلُوكًا	owned
وَأَنْ	and that
يَكُونَ	it be
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	he be
الْمَوْهُوبُ	the recipient
لَهُ	for him
قَابِلًا	capable
لِلْمِلْكِ	of the ownership
وَتَتِمُّ	And is completed
الْهِبَةُ	the gift

بِالْإِيجَابِ	by the offer
وَالْقَبُولِ	and the acceptance
وَالْقَبْضِ	and the possession
وَلَا	And not
تَصِحُّ	is valid
إِلَّا	except
بِقَبْضِ	by possession
الْمَوْهُوبِ	of the gifted item
فِي	in
مَجْلِسِ	session
الْعَقْدِ	of the contract
وَيَجُوزُ	And is permissible
لِلْوَاهِبِ	for the giver
الرُّجُوعُ	the revocation

فِي	in
الْهِبَةِ	the gift
قَبْلَ	before
الْقَبْضِ	the possession
أَوْ	or
بَعْدَ	after
بِشَرْطِ	provided
عَدَمِ	absence
تَغَيُّرِ	of change
الْمَوْهُوبِ	of the gifted item

Deposits

كِتَابُ الْوَدِيعَةِ

وَالْوَدِيعَةُ جَائِزَةٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهَا ثَلَاثَةٌ: أَنْ يَكُونَ الْمَوْدُوعُ مَالًا مُتَقَوِّمًا، وَأَنْ يَكُونَ مَعْلُومًا، وَأَنْ يَكُونَ

الْمُودَعُ أَمِينًا. وَالْمُودَعُ مُؤْتَمَنٌ عَلَى الْوَدِيعَةِ، فَإِنْ تَلِفَتْ بِغَيْرِ تَفْرِيطٍ فَلَا ضَمَانَ عَلَيْهِ، وَإِنْ تَلِفَتْ بِتَفْرِيطِهِ ضَمِنَهَا. وَيَجِبُ رَدُّ الْوَدِيعَةِ إِلَى صَاحِبِهَا عِنْدَ طَلَبِهَا.

The chapter on Deposits

A deposit is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are three: that the deposited item be valuable property, that it be known, and that the trustee be trustworthy. The trustee is entrusted with the deposit; if it is damaged without negligence, he is not liable, but if it is damaged due to his negligence, he is liable. The deposit must be returned to its owner upon his request.

كِتَابُ	book
الْوَدِيعَةِ	of the deposit
وَالْوَدِيعَةُ	And the deposit
جَائِزَةٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished

بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهَا	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	it be
الْمَوْدُوعُ	the deposited item
مَالًا	property
مُتَقَوِّمًا	valuable
وَأَنْ	and that
يَكُونَ	it be
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	he be

الْمُودَعُ	the trustee
أَمِينًا	trustworthy
وَالْمُودَعُ	And the trustee
مُؤْتَمَنٌ	entrusted
عَلَى	upon
الْوَدِيعَةِ	the deposit
فَإِنْ	so if
تَلِفَتْ	it was damaged
بِغَيْرِ	without
تَفْرِيطٍ	negligence
فَلَا	then not
ضَمَانَ	liability
عَلَيْهِ	on him
وَإِنْ	and if

تَلِفَتْ	it was damaged
بِتَفْرِيطِهِ	due to his negligence
ضَمِنَهَا	he is liable for it
وَيَجِبُ	And is obligatory
رَدُّ	return
الْوَدِيعَةِ	of the deposit
إِلَى	to
صَاحِبِهَا	its owner
عِنْدَ	upon
طَلَبِهَا	its request

Borrowing

كِتَابُ الْعَارِيَّةِ

وَالْعَارِيَّةُ جَائِزَةٌ بَيْنَ مُتَعَاقِدَيْنِ مُتَمَيِّزَيْنِ بِالْبُلُوغِ وَالْعَقْلِ، وَشُرُوطُهَا ثَلَاثَةٌ: أَنْ يَكُونَ الْمُعَارُ مَالًا مُتَقَوِّمًا مَمْلُوكًا، وَأَنْ تَكُونَ الْمَنْفَعَةُ

مَعْلُومَةً، وَأَنْ يَكُونَ الْمُسْتَعِيرُ أَهْلًا لِلِانْتِفَاعِ. وَالْمُسْتَعِيرُ مُؤْتَمَنٌ عَلَى الْعَارِيَّةِ، فَإِنْ تَلِفَتْ بِغَيْرِ تَفْرِيطٍ فَلَا ضَمَانَ عَلَيْهِ، وَإِنْ تَلِفَتْ بِتَفْرِيطِهِ ضَمِنَهَا. وَيَجِبُ رَدُّ الْعَارِيَّةِ إِلَى صَاحِبِهَا بَعْدَ الِانْتِفَاعِ بِهَا.

The chapter on Borrowing

Borrowing is permissible between two contracting parties distinguished by puberty and sanity. Its conditions are three: that the borrowed item be valuable and owned property, that the benefit be known, and that the borrower be competent to benefit. The borrower is entrusted with the borrowed item; if it is damaged without negligence, he is not liable, but if it is damaged due to his negligence, he is liable. The borrowed item must be returned to its owner after its use.

كِتَابُ	book
الْعَارِيَّةِ	of the borrowing
وَالْعَارِيَّةُ	And the borrowing
جَائِزَةٌ	permissible
بَيْنَ	between
مُتَعَاقِدَيْنِ	two contracting parties
مُتَمَيِّزَيْنِ	distinguished

بِالْبُلُوغِ	by the puberty
وَالْعَقْلِ	and the sanity, intellect
وَشُرُوطُهَا	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	it be
الْمُعَارُ	the borrowed item
مَالًا	property
مُتَقَوِّمًا	valuable
مَمْلُوكًا	owned
وَأَنْ	and that
تَكُونَ	it be
الْمَنْفَعَةُ	the benefit
مَعْلُومَةً	known

وَأَنْ	and that
يَكُونَ	he be
الْمُسْتَعِيرُ	the borrower
أَهْلًا	competent
لِلِانْتِفَاعِ	for the benefiting
وَالْمُسْتَعِيرُ	And the borrower
مُؤْتَمَنٌ	entrusted
عَلَى	upon
الْعَارِيَّةِ	the borrowed item
فَإِنْ	so if
تَلِفَتْ	it was damaged
بِغَيْرِ	without
تَفْرِيطٍ	negligence
فَلَا	then not

ضَمَانَ	liability
عَلَيْهِ	on him
وَإِنْ	and if
تَلِفَتْ	it was damaged
بِتَفْرِيطِهِ	due to his negligence
ضَمِنَهَا	he is liable for it
وَيَجِبُ	And is obligatory
رَدُّ	return
الْعَارِيَّةِ	of the borrowed item
إِلَى	to
صَاحِبِهَا	its owner
بَعْدَ	after
الِانْتِفَاعِ	the use
بِهَا	of it

Marriage

كِتَابُ النِّكَاحِ

وَالنِّكَاحُ مَشْرُوعٌ بَيْنَ رَجُلٍ وَامْرَأَةٍ بِشُرُوطٍ خَمْسَةٍ: تَعْيِينُ الزَّوْجَيْنِ، وَرِضَا الزَّوْجَةِ أَوْ وَلِيِّهَا، وَوُجُودُ الشَّاهِدَيْنِ، وَالصِّيغَةُ بِالْإِيجَابِ وَالْقَبُولِ، وَالصَّدَاقُ. وَيَصِحُّ النِّكَاحُ بِوَلِيٍّ لِلْمَرْأَةِ إِنْ كَانَتْ بِكْرًا أَوْ ثَيِّبًا، وَلَا يَصِحُّ بِدُونِ وَلِيٍّ إِلَّا لِلثَّيِّبِ بِرِضَاهَا. وَيَحْرُمُ نِكَاحُ الْمُحَرَّمَاتِ مِنَ النَّسَبِ أَوِ الصِّهْرِ أَوِ الرَّضَاعِ. وَتَنْفَسِخُ الزَّوْجِيَّةُ بِالطَّلَاقِ أَوِ الْخُلْعِ أَوِ الْمَوْتِ.

The chapter of Marriage

Marriage is prescribed between a man and a woman with five conditions: specification of the spouses, consent of the bride or her guardian, presence of two witnesses, the formula of offer and acceptance, and the dowry. Marriage is valid with a guardian for the woman, whether she is a virgin or previously married, and it is not valid without a guardian except for a previously married woman with her consent. Marriage to prohibited relatives by blood, affinity, or fosterage is forbidden. The marital bond is dissolved by divorce, khul‘, or death.

كِتَابُ	book
النِّكَاحِ	of the marriage
وَالنِّكَاحُ	and the marriage

مَشْرُوعٌ	prescribed
بَيْنَ	between
رَجُلٍ	a man
وَامْرَأَةٍ	and a woman
بِشُرُوطٍ	with conditions
خَمْسَةٍ	five
تَعْيِينُ	specification
الزَّوْجَيْنِ	of the spouses
وَرِضَا	and consent
الزَّوْجَةِ	of the bride
أَوْ	or
وَلِيِّهَا	her guardian
وَوُجُودُ	and presence
الشَّاهِدَيْنِ	of the two witnesses

وَالصِّيغَةُ	and the formula
بِالْإِيجَابِ	with the offer
وَالْقَبُولِ	and the acceptance
وَالصَّدَاقُ	and the dowry
وَيَصِحُّ	And is valid
النِّكَاحُ	the marriage
بِوَلِيٍّ	with a guardian
لِلْمَرْأَةِ	for the woman
إِنْ	if
كَانَتْ	she was
بِكْرًا	a virgin
أَوْ	or
ثَيِّبًا	previously married
وَلَا	And not

يَصِحُّ	is valid
بِدُونِ	without
وَلِيٍّ	a guardian
إِلَّا	except
لِلثَّيِّبِ	for the previously married
بِرِضَاهَا	with her consent
وَيَحْرُمُ	And is forbidden
نِكَاحُ	marriage
الْمُحَرَّمَاتِ	of the prohibited
مِنَ	from
النَّسَبِ	the blood
أَوِ	or
الصِّهْرِ	the affinity
أَوِ	or

الرَّضَاعِ	the fosterage
وَتَنْفَسِخُ	And is dissolved
الزَّوْجِيَّةُ	the marital bond
بِالطَّلَاقِ	by the divorce
أَوِ	or
الْخُلْعِ	the khul‘
أَوِ	or
الْمَوْتِ	the death

Dowry

كِتَابُ الصَّدَاقِ

وَالصَّدَاقُ وَاجِبٌ فِي النِّكَاحِ، وَلَا يَصِحُّ النِّكَاحُ بِدُونِهِ، وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ مَالًا مُتَقَوِّمًا، وَأَنْ يَكُونَ مَعْلُومًا، وَأَنْ يَكُونَ مَمْلُوكًا لِلزَّوْجِ. وَيَجُوزُ أَنْ يَكُونَ الصَّدَاقُ نَقْدًا أَوْ عَيْنًا أَوْ مَنْفَعَةً. وَيَجِبُ دَفْعُ الصَّدَاقِ كَامِلًا عِنْدَ الدُّخُولِ أَوِ الْمَوْتِ، وَإِنْ طَلَّقَ قَبْلَ الدُّخُولِ فَلَهَا

نِصْفُ الصَّدَاقِ. وَإِنْ لَمْ يُسَمَّ صَدَاقٌ صَحَّ النِّكَاحُ وَوَجَبَ مَهْرُ الْمِثْلِ.

The chapter on Dowry

The dowry is obligatory in marriage, and marriage is not valid without it. Its conditions are three: that it be valuable property, that it be known, and that it be owned by the husband. The dowry may be cash, a tangible item, or a benefit. The dowry must be paid in full upon consummation or death, and if divorce occurs before consummation, she is entitled to half the dowry. If no dowry is specified, the marriage is valid, and a dowry of similar value is obligatory.

كِتَابُ	book
الصَّدَاقِ	of the dowry
وَالصَّدَاقُ	and the dowry
وَاجِبٌ	obligatory
فِي	in
النِّكَاحِ	the marriage
وَلَا	and not
يَصِحُّ	is valid

النِّكَاحُ	the marriage
بِدُونِهِ	without it
وَشُرُوطُهُ	and its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	it be
مَالًا	property
مُتَقَوِّمًا	valuable
وَأَنْ	and that
يَكُونَ	it be
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	it be
مَمْلُوكًا	owned

لِلزَّوْجِ	by the husband
وَيَجُوزُ	and is permissible
أَنْ	that
يَكُونَ	it be
الصَّدَاقُ	the dowry
نَقْدًا	cash
أَوْ	or
عَيْنًا	tangible item
أَوْ	or
مَنْفَعَةً	benefit
وَيَجِبُ	And is obligatory
دَفْعُ	payment
الصَّدَاقِ	of the dowry
كَامِلًا	in full

عِنْدَ	upon
الدُّخُولِ	the consummation
أَوِ	or
الْمَوْتِ	the death
وَإِنْ	And if
طَلَّقَ	he divorces
قَبْلَ	before
الدُّخُولِ	the consummation
فَلَهَا	then for her
نِصْفُ	half
الصَّدَاقِ	of the dowry
وَإِنْ	And if
لَمْ	not
يُسَمَّ	is specified

a dowry	صَدَاقٌ
is valid	صَحَّ
the marriage	النِّكَاحُ
and is obligatory	وَوَجَبَ
dowry	مَهْرُ
of similar value	الْمِثْلِ

Divorce

كِتَابُ الطَّلاقِ

وَالطَّلاقُ جَائِزٌ مِنَ الزَّوْجِ الْبَالِغِ الْعَاقِلِ الْمُخْتَارِ، وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ الزَّوْجُ أَهْلًا لِلتَّصَرُّفِ، وَأَنْ تَكُونَ الزَّوْجَةُ فِي زَوْجِيَّةٍ صَحِيحَةٍ، وَأَنْ يَكُونَ الطَّلاقُ بِصِيغَةٍ صَرِيحَةٍ أَوْ كِنَايَةٍ مَعَ النِّيَّةِ. وَالطَّلاقُ نَوْعَانِ: سُنِّيٌّ وَبِدْعِيٌّ، فَالسُّنِّيُّ مَا كَانَ فِي طُهْرٍ لَمْ يُجامِعْهَا فِيهِ، وَالْبِدْعِيُّ مَا كَانَ فِي حَيْضٍ أَوْ طُهْرٍ جَامَعَهَا فِيهِ. وَيَقَعُ الطَّلاقُ ثَلَاثًا لِلْمَدْخُولِ بِهَا، وَوَاحِدَةً لِغَيْرِ الْمَدْخُولِ بِهَا، وَتَحْرُمُ عَلَيْهِ بَعْدَ الثَّلَاثِ حَتَّى تَنْكِحَ زَوْجًا آخَرَ.

The chapter on Divorce

Divorce is permissible from an adult, sane, and voluntary husband. Its conditions are three: that the husband be competent to dispose, that the wife be in a valid marriage, and that the divorce be with an explicit formula or an implicit one with intention. Divorce is of two types: sunni and bid‘i; sunni is in a state of purity without intercourse, and bid‘i is during menstruation or a state of purity with intercourse. Divorce occurs three times for a consummated wife, and once for an unconsummated wife, and she becomes forbidden to him after three divorces until she marries another husband.

كِتَابُ	book
الطَّلاقِ	of the divorce
وَالطَّلاقُ	and the divorce
جَائِزٌ	permissible
مِنَ	from
الزَّوْجِ	the husband
الْبَالِغِ	the adult, reaching puberty
الْعَاقِلِ	the sane, rational
الْمُخْتَارِ	the voluntary

وَشُرُوطُهُ	and its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الزَّوْجُ	the husband
أَهْلًا	competent
لِلتَّصَرُّفِ	for the disposal
وَأَنْ	and that
تَكُونَ	she be
الزَّوْجَةُ	the wife
فِي	in
زَوْجِيَّةٍ	marriage
صَحِيحَةٍ	valid
وَأَنْ	and that

يَكُونَ	it be
الطَّلاقُ	the divorce
بِصِيغَةٍ	with a formula
صَرِيحَةٍ	explicit
أَوْ	or
كِنَايَةٍ	implicit
مَعَ	with
النِّيَّةِ	the intention
وَالطَّلاقُ	And the divorce
نَوْعَانِ	two types
سُنِّيٌّ	sunni
وَبِدْعِيٌّ	and bid‘i
فَالسُّنِّيُّ	so the sunni
مَا	what

كَانَ	was
فِي	in
طُهْرٍ	purity
لَمْ	not
يُجامِعْهَا	he had intercourse with her
فِيهِ	in it
وَالْبِدْعِيُّ	and the bid‘i
مَا	what
كَانَ	was
فِي	in
حَيْضٍ	menstruation
أَوْ	or
طُهْرٍ	purity
جَامَعَهَا	he had intercourse with her

فِيهِ	in it
وَيَقَعُ	And occurs
الطَّلاقُ	the divorce
ثَلَاثًا	three times
لِلْمَدْخُولِ	for the consummated
بِهَا	with her
وَوَاحِدَةً	and once
لِغَيْرِ	for the not
الْمَدْخُولِ	consummated
بِهَا	with her
وَتَحْرُمُ	And becomes forbidden
عَلَيْهِ	to him
بَعْدَ	after
الثَّلَاثِ	the three

حَتَّى	until
تَنْكِحَ	she marries
زَوْجًا	a husband
آخَرَ	another

Emancipation

كِتَابُ الْعَتْقِ

وَالْعَتْقُ جَائِزٌ مِنْ بَالِغٍ عَاقِلٍ مُخْتَارٍ، وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ الْمُعْتَقُ مَمْلُوكًا، وَأَنْ يَكُونَ الْمُعْتِقُ أَهْلًا لِلتَّصَرُّفِ، وَأَنْ يَكُونَ الْعَتْقُ بِصِيغَةٍ صَرِيحَةٍ. وَيَصِحُّ الْعَتْقُ بِالْقَوْلِ أَوِ الْكِتَابَةِ أَوِ النِّيَّةِ مَعَ فِعْلٍ يَدُلُّ عَلَيْهِ. وَإِذَا عَتَقَ الْعَبْدُ صَارَ حُرًّا، وَلَا يَرْجِعُ إِلَى الرِّقِّ. وَمَنْ أَعْتَقَ بَعْضَ عَبْدٍ مُشْتَرَكٍ عَتَقَ بَعْضُهُ، وَيَضْمَنُ قِيمَةَ نَصِيبِ الشَّرِيكِ.

The chapter on Emancipation

Emancipation is permissible from an adult, sane, and voluntary person. Its conditions are three: that the emancipated be owned, that the emancipator be competent to dispose, and that the emancipation be with an explicit formula. Emancipation is valid by speech, writing, or intention accompanied by an act indicating it. When a slave is emancipated, he becomes free and does not return to slavery. Whoever emancipates

part of a jointly owned slave, that part is freed, and he is liable for the value of the partner’s share.

كِتَابُ	Book
الْعَتْقِ	of the emancipation
وَالْعَتْقُ	And the emancipation
جَائِزٌ	permissible
مِنْ	from
بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational
مُخْتَارٍ	voluntary
وَشُرُوطُهُ	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be

الْمُعْتَقُ	the emancipated
مَمْلُوكًا	owned
وَأَنْ	and that
يَكُونَ	he be
الْمُعْتِقُ	the emancipator
أَهْلًا	competent
لِلتَّصَرُّفِ	for the disposal
وَأَنْ	and that
يَكُونَ	it be
الْعَتْقُ	the emancipation
بِصِيغَةٍ	with a formula
صَرِيحَةٍ	explicit
وَيَصِحُّ	And is valid
الْعَتْقُ	the emancipation

بِالْقَوْلِ	by the speech
أَوِ	or
الْكِتَابَةِ	the writing
أَوِ	or
النِّيَّةِ	the intention
مَعَ	with
فِعْلٍ	an act
يَدُلُّ	indicating
عَلَيْهِ	on it
وَإِذَا	And when
عَتَقَ	is emancipated
الْعَبْدُ	the slave
صَارَ	becomes
حُرًّا	free

وَلَا	And not
يَرْجِعُ	returns
إِلَى	to
الرِّقِّ	the slavery
وَمَنْ	And whoever
أَعْتَقَ	emancipates
بَعْضَ	part
عَبْدٍ	of a slave
مُشْتَرَكٍ	jointly owned
عَتَقَ	is freed
بَعْضُهُ	his part
وَيَضْمَنُ	And is liable
قِيمَةَ	for the value
نَصِيبِ	of the share

الشَّرِيكِ	of the partner

Oaths

كِتَابُ الْأَيْمَانِ

وَالْيَمِينُ جَائِزَةٌ مِنْ بَالِغٍ عَاقِلٍ مُخْتَارٍ، وَشُرُوطُهَا ثَلَاثَةٌ: أَنْ تَكُونَ بِاسْمِ اللَّهِ أَوْ صِفَةٍ مِنْ صِفَاتِهِ، وَأَنْ يَكُونَ الْمُقْسَمُ عَلَيْهِ مَعْلُومًا، وَأَنْ يَكُونَ الْحَالِفُ قَاصِدًا لِلْيَمِينِ. وَالْيَمِينُ تَكُونُ عَلَى أَمْرٍ مَاضٍ أَوْ مُسْتَقْبَلٍ، وَإِنْ حَنِثَ الْحَالِفُ فِي يَمِينِهِ وَجَبَتْ عَلَيْهِ الْكَفَّارَةُ. وَالْكَفَّارَةُ إِطْعَامُ عَشَرَةِ مَسَاكِينَ أَوْ كِسْوَتُهُمْ أَوْ عِتْقُ رَقَبَةٍ، فَإِنْ عَجَزَ صَامَ ثَلَاثَةَ أَيَّامٍ.

The chapter on Oaths

An oath is permissible from an adult, sane, and voluntary person. Its conditions are three: that it be by the name of Allah or one of His attributes, that the matter sworn upon be known, and that the swearer intend the oath. An oath may be about a past or future matter, and if the swearer breaks his oath, expiation is obligatory upon him. The expiation is feeding ten poor people, clothing them, or freeing a slave; if unable, he fasts three days.

كِتَابُ	book
الْأَيْمَانِ	of the oaths

وَالْيَمِينُ	And the oath
جَائِزَةٌ	permissible
مِنْ	from
بَالِغٍ	adult, reaching puberty
عَاقِلٍ	sane, rational
مُخْتَارٍ	voluntary
وَشُرُوطُهَا	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
تَكُونَ	it be
بِاسْمِ	by the name
اللَّهِ	of Allah
أَوْ	or
صِفَةٍ	an attribute

مِنْ	from
صِفَاتِهِ	His attributes
وَأَنْ	and that
يَكُونَ	it be
الْمُقْسَمُ	the matter sworn
عَلَيْهِ	upon it
مَعْلُومًا	known
وَأَنْ	and that
يَكُونَ	he be
الْحَالِفُ	the swearer
قَاصِدًا	intending
لِلْيَمِينِ	for the oath
وَالْيَمِينُ	And the oath
تَكُونُ	is

عَلَى	about
أَمْرٍ	a matter
مَاضٍ	past
أَوْ	or
مُسْتَقْبَلٍ	future
وَإِنْ	And if
حَنِثَ	he breaks
الْحَالِفُ	the swearer
فِي	in
يَمِينِهِ	his oath
وَجَبَتْ	is obligatory
عَلَيْهِ	upon him
الْكَفَّارَةُ	the expiation
وَالْكَفَّارَةُ	And the expiation

إِطْعَامُ	feeding
عَشَرَةِ	ten
مَسَاكِينَ	poor people
أَوْ	or
كِسْوَتُهُمْ	clothing them
أَوْ	or
عِتْقُ	freeing
رَقَبَةٍ	a slave
فَإِنْ	so if
عَجَزَ	he is unable
صَامَ	he fasts
ثَلَاثَةَ	three
أَيَّامٍ	days

Fixed Penalties

كِتَابُ الْحُدُودِ

وَالْحُدُودُ مَشْرُوعَةٌ لِرَدْعِ الْجَرَائِمِ، وَتَشْمَلُ حَدَّ الزِّنَا، وَالْقَذْفِ، وَشُرْبِ الْخَمْرِ، وَالسَّرِقَةِ. وَشُرُوطُ إِقَامَةِ الْحَدِّ ثَلَاثَةٌ: أَنْ يَكُونَ الْفَاعِلُ بَالِغًا عَاقِلًا، وَأَنْ يَكُونَ الْجُرْمُ ثَابِتًا بِالْبَيِّنَةِ أَوِ الْإِقْرَارِ، وَأَنْ لَا يَكُونَ هُنَاكَ شُبْهَةٌ. وَحَدُّ الزِّنَا لِلْمُحْصَنِ الرَّجْمُ وَلِغَيْرِ الْمُحْصَنِ الْجَلْدُ مِائَةَ جَلْدَةٍ، وَحَدُّ الْقَذْفِ ثَمَانُونَ جَلْدَةً، وَحَدُّ شُرْبِ الْخَمْرِ ثَمَانُونَ جَلْدَةً. وَتُقَامُ الْحُدُودُ بِأَمْرِ الْإِمَامِ.

The chapter on Fixed Penalties

Fixed penalties are prescribed to deter crimes and include penalties for fornication, slander, drinking wine, and theft. The conditions for imposing a penalty are three: that the perpetrator be an adult and sane, that the crime be proven by evidence or confession, and that there be no doubt. The penalty for fornication is stoning for the married and one hundred lashes for the unmarried, the penalty for slander is eighty lashes, and the penalty for drinking wine is eighty lashes. Penalties are enforced by the ruler’s command.

كِتَابُ	book
الْحُدُودِ	of the fixed penalties
وَالْحُدُودُ	and the fixed penalties
مَشْرُوعَةٌ	prescribed

لِرَدْعِ	to deter
الْجَرَائِمِ	the crimes
وَتَشْمَلُ	And include
حَدَّ	penalty
الزِّنَا	of fornication
وَالْقَذْفِ	and slander
وَشُرْبِ	and drinking
الْخَمْرِ	of wine
وَالسَّرِقَةِ	and theft
وَشُرُوطُ	And conditions
إِقَامَةِ	of imposing
الْحَدِّ	the penalty
ثَلَاثَةٌ	three
أَنْ	that

يَكُونَ	he be
الْفَاعِلُ	the perpetrator
بَالِغًا	adult, reaching puberty
عَاقِلًا	sane, rational
وَأَنْ	and that
يَكُونَ	it be
الْجُرْمُ	the crime
ثَابِتًا	proven
بِالْبَيِّنَةِ	by the evidence
أَوِ	or
الْإِقْرَارِ	the confession
وَأَنْ	and that
لَا	not
يَكُونَ	there be

هُنَاكَ	there
شُبْهَةٌ	doubt
وَحَدُّ	And the penalty
الزِّنَا	of fornication
لِلْمُحْصَنِ	for the married
الرَّجْمُ	the stoning
وَلِغَيْرِ	and for the not
الْمُحْصَنِ	married
الْجَلْدُ	the lashing
مِائَةَ	one hundred
جَلْدَةٍ	lashes
وَحَدُّ	And the penalty
الْقَذْفِ	of slander
ثَمَانُونَ	eighty

جَلْدَةً	lashes
وَحَدُّ	And the penalty
شُرْبِ	of drinking
الْخَمْرِ	of wine
ثَمَانُونَ	eighty
جَلْدَةً	lashes
وَتُقَامُ	And are enforced
الْحُدُودُ	the penalties
بِأَمْرِ	by command
الْإِمَامِ	of the ruler

Theft and Banditry

كِتَابُ السَّرِقَةِ وَالْقَطْعِ

وَالسَّرِقَةُ أَخْذُ مَالِ الْغَيْرِ خُفْيَةً بِغَيْرِ حَقٍّ، وَحَدُّهَا قَطْعُ الْيَدِ الْيُمْنَى إِنْ تَوَفَّرَتْ شُرُوطُهَا، وَهِيَ خَمْسَةٌ: أَنْ يَكُونَ الْمَسْرُوقُ مَالًا مُتَقَوِّمًا، وَأَنْ

يَبْلُغَ نِصَابًا، وَأَنْ يُؤْخَذَ مِنْ حِرْزٍ، وَأَنْ يَكُونَ السَّارِقُ بَالِغًا عَاقِلًا، وَأَنْ لَا تَكُونَ لَهُ شُبْهَةُ مِلْكٍ. وَالْقَطَّاعُ مَنْ يَخْرُجُ لِقَطْعِ الطَّرِيقِ، وَحَدُّهُ الْقَتْلُ أَوِ الصَّلْبُ أَوْ قَطْعُ يَدٍ وَرِجْلٍ مِنْ خِلَافٍ أَوِ النَّفْيُ بِحَسَبِ جَرِيمَتِهِ.

The chapter on Theft and Banditry

Theft is taking another’s property secretly without right, and its penalty is cutting off the right hand if its conditions are met, which are five: that the stolen item be valuable property, that it reach the minimum threshold, that it be taken from a secure place, that the thief be an adult and sane, and that he have no claim of ownership. A bandit is one who engages in highway robbery, and his penalty is death, crucifixion, cutting off a hand and foot from opposite sides, or exile, depending on his crime.

كِتَابُ	Book
السَّرِقَةِ	of the theft
وَالْقَطْعِ	and the cutting
وَالسَّرِقَةُ	And the theft
أَخْذُ	taking
مَالِ	property
الْغَيْرِ	of another

خُفْيَةً	secretly
بِغَيْرِ	without
حَقٍّ	right
وَحَدُّهَا	And its penalty
قَطْعُ	cutting
الْيَدِ	of the hand
الْيُمْنَى	the right
إِنْ	if
تَوَفَّرَتْ	are met
شُرُوطُهَا	its conditions
وَهِيَ	And they are
خَمْسَةٌ	five
أَنْ	that
يَكُونَ	it be

الْمَسْرُوقُ	the stolen item
مَالًا	property
مُتَقَوِّمًا	valuable
وَأَنْ	and that
يَبْلُغَ	it reaches
نِصَابًا	a threshold
وَأَنْ	and that
يُؤْخَذَ	it be taken
مِنْ	from
حِرْزٍ	a secure place
وَأَنْ	and that
يَكُونَ	he be
السَّارِقُ	the thief
بَالِغًا	adult, reaching puberty

عَاقِلًا	sane, rational
وَأَنْ	and that
لَا	not
تَكُونَ	there be
لَهُ	for him
شُبْهَةُ	a claim
مِلْكٍ	of ownership
وَالْقَطَّاعُ	And the bandit
مَنْ	who
يَخْرُجُ	engages
لِقَطْعِ	in cutting
الطَّرِيقِ	the road, highway robbery
وَحَدُّهُ	And his penalty
الْقَتْلُ	the death

أَوِ	or
الصَّلْبُ	the crucifixion
أَوْ	or
قَطْعُ	cutting
يَدٍ	of a hand
وَرِجْلٍ	and a foot
مِنْ	from
خِلَافٍ	opposite sides
أَوِ	or
النَّفْيُ	the exile
بِحَسَبِ	depending on
جَرِيمَتِهِ	his crime

Retaliation

كِتَابُ الْقِصَاصِ

وَالْقِصَاصُ مَشْرُوعٌ فِي الْقَتْلِ الْعَمْدِ وَالْجِرَاحِ الْعَمْدِيَّةِ، وَشُرُوطُهُ ثَلَاثَةٌ: أَنْ يَكُونَ الْفَاعِلُ بَالِغًا عَاقِلًا، وَأَنْ يَكُونَ الْجُرْمُ عَمْدًا، وَأَنْ يَكُونَ الْمَجْنِيُّ عَلَيْهِ مُعَادًا فِي الدَّمِ. وَيَجُوزُ لِأَوْلِيَاءِ الْمَقْتُولِ الْعَفْوُ أَوْ أَخْذُ الدِّيَةِ بَدَلَ الْقِصَاصِ. وَالْقِصَاصُ فِي النَّفْسِ بِالْقَتْلِ، وَفِي الْجِرَاحِ بِمِثْلِهَا إِنْ أَمْكَنَ بِلَا مَفْسَدَةٍ. وَلَا قِصَاصَ بَيْنَ الْأَبِ وَابْنِهِ وَلَا بَيْنَ السَّيِّدِ وَعَبْدِهِ.

The chapter on Retaliation

Retaliation is prescribed for intentional killing and intentional injury. Its conditions are three: that the perpetrator be an adult and sane, that the act be intentional, and that the victim be equal in blood status. The heirs of the slain may pardon or accept blood money instead of retaliation. Retaliation for life is by killing, and for injury by an equivalent injury if possible without harm. There is no retaliation between a father and his son or between a master and his slave.

كِتَابُ	book
الْقِصَاصِ	of the retaliation
وَالْقِصَاصُ	and the retaliation
مَشْرُوعٌ	prescribed
فِي	in

الْقَتْلِ	the killing
الْعَمْدِ	the intentional
وَالْجِرَاحِ	and the injury
الْعَمْدِيَّةِ	the intentional
وَشُرُوطُهُ	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الْفَاعِلُ	the perpetrator
بَالِغًا	adult, reaching puberty
عَاقِلًا	sane, rational
وَأَنْ	and that
يَكُونَ	it be
الْجُرْمُ	the act

عَمْدًا	intentional
وَأَنْ	and that
يَكُونَ	he be
الْمَجْنِيُّ	the victim
عَلَيْهِ	upon him
مُعَادًا	equal
فِي	in
الدَّمِ	the blood
وَيَجُوزُ	And is permissible
لِأَوْلِيَاءِ	for the heirs
الْمَقْتُولِ	of the slain
الْعَفْوُ	the pardon
أَوْ	or
أَخْذُ	taking

الدِّيَةِ	the blood money
بَدَلَ	instead of
الْقِصَاصِ	the retaliation
وَالْقِصَاصُ	And the retaliation
فِي	for
النَّفْسِ	the life
بِالْقَتْلِ	by the killing
وَفِي	and for
الْجِرَاحِ	the injury
بِمِثْلِهَا	by its equivalent
إِنْ	if
أَمْكَنَ	possible
بِلَا	without
مَفْسَدَةٍ	harm

وَلَا	And no
قِصَاصَ	retaliation
بَيْنَ	between
الْأَبِ	the father
وَابْنِهِ	and his son
وَلَا	and no
بَيْنَ	between
السَّيِّدِ	the master
وَعَبْدِهِ	and his slave

Blood Money

كِتَابُ الدِّيَاتِ

وَالدِّيَةُ مَشْرُوعَةٌ فِي الْقَتْلِ الْخَطَأِ وَشِبْهِ الْعَمْدِ، وَشُرُوطُهَا ثَلَاثَةٌ: أَنْ يَكُونَ الْمَقْتُولُ مُعَادًا فِي الدَّمِ، وَأَنْ يَكُونَ الْقَتْلُ ثَابِتًا بِالْبَيِّنَةِ أَوِ الْإِقْرَارِ، وَأَنْ يَكُونَ الْقَاتِلُ بَالِغًا عَاقِلًا. وَدِيَةُ الْقَتْلِ الْخَطَأِ مِائَةٌ مِنَ الْإِبِلِ أَوْ

قِيمَتُهَا، وَتُؤْخَذُ مِنْ مَالِ الْقَاتِلِ أَوْ عَاقِلَتِهِ. وَفِي الْجِرَاحِ دِيَةٌ مُقَدَّرَةٌ بِحَسَبِ الْجُرْحِ، وَيَجُوزُ الْعَفْوُ عَنِ الدِّيَةِ أَوْ أَخْذُ بَعْضِهَا.

The chapter on Blood Money

Blood money is prescribed for unintentional killing and quasi-intentional killing. Its conditions are three: that the slain be equal in blood status, that the killing be proven by evidence or confession, and that the killer be an adult and sane. The blood money for unintentional killing is one hundred camels or their value, taken from the killer’s wealth or his clan. For injuries, blood money is fixed according to the injury. Pardon of the blood money or taking part of it is permissible.

كِتَابُ	book
الدِّيَاتِ	of the blood money
وَالدِّيَةُ	and the blood money
مَشْرُوعَةٌ	prescribed
فِي	in
الْقَتْلِ	the killing
الْخَطَأِ	the unintentional
وَشِبْهِ	and quasi-

الْعَمْدِ	intentional
وَشُرُوطُهَا	And its conditions
ثَلَاثَةٌ	three
أَنْ	that
يَكُونَ	he be
الْمَقْتُولُ	the slain
مُعَادًا	equal
فِي	in
الدَّمِ	the blood
وَأَنْ	and that
يَكُونَ	it be
الْقَتْلُ	the killing
ثَابِتًا	proven
بِالْبَيِّنَةِ	by the evidence

أَوِ	or
الْإِقْرَارِ	the confession
وَأَنْ	and that
يَكُونَ	he be
الْقَاتِلُ	the killer
بَالِغًا	adult, reaching puberty
عَاقِلًا	sane, rational
وَدِيَةُ	And the blood money
الْقَتْلِ	of the killing
الْخَطَأِ	the unintentional
مِائَةٌ	one hundred
مِنَ	of
الْإِبِلِ	the camels
أَوْ	or

قِيمَتُهَا	their value
وَتُؤْخَذُ	And is taken
مِنْ	from
مَالِ	wealth
الْقَاتِلِ	of the killer
أَوْ	or
عَاقِلَتِهِ	his clan
وَفِي	And for
الْجِرَاحِ	the injuries
دِيَةٌ	blood money
مُقَدَّرَةٌ	fixed
بِحَسَبِ	according to
الْجُرْحِ	the injury
وَيَجُوزُ	And is permissible

الْعَفْوُ	the pardon
عَنِ	of
الدِّيَةِ	the blood money
أَوْ	or
أَخْذُ	taking
بَعْضِهَا	part of it

Inheritance

كِتَابُ الْفَرَائِضِ

وَالْفَرَائِضُ مَشْرُوعَةٌ لِتَوْزِيعِ التَّرِكَةِ بَيْنَ الْوَرَثَةِ، وَشُرُوطُهَا ثَلَاثَةٌ: مَوْتُ الْمُوَرِّثِ، وَوُجُودُ الْوَارِثِ، وَوُجُودُ التَّرِكَةِ. وَالْوَرَثَةُ ثَلَاثَةُ أَصْنَافٍ: ذَوُو الْفُرُوضِ، وَالْعَصَبَةُ، وَذَوُو الْأَرْحَامِ. وَفُرُوضُ الْمِيرَاثِ سِتَّةٌ: النِّصْفُ، وَالرُّبُعُ، وَالثُّمُنُ، وَالثُّلُثَانِ، وَالثُّلُثُ، وَالسُّدُسُ. وَيُقَدَّمُ ذَوُو الْفُرُوضِ، ثُمَّ الْعَصَبَةُ، ثُمَّ ذَوُو الْأَرْحَامِ، وَإِنْ لَمْ يَكُنْ وَارِثٌ صُرِفَتِ التَّرِكَةُ إِلَى بَيْتِ الْمَالِ.

The chapter on Inheritance

Inheritance is prescribed to distribute the estate among heirs. Its conditions are three: the death of the deceased, the existence of the heir, and the existence of the estate. Heirs are of three types: those with fixed shares, agnates, and uterine relatives. The inheritance shares are six: half, quarter, eighth, two-thirds, one-third, and one-sixth. Those with fixed shares are prioritized, then agnates, then uterine relatives. If there is no heir, the estate is transferred to the public treasury.

كِتَابُ	book
الْفَرَائِضِ	of the inheritance
وَالْفَرَائِضُ	and the inheritance
مَشْرُوعَةٌ	prescribed
لِتَوْزِيعِ	to distribute
التَّرِكَةِ	the estate
بَيْنَ	among
الْوَرَثَةِ	the heirs
وَشُرُوطُهَا	And its conditions
ثَلَاثَةٌ	three
مَوْتُ	death

الْمُوَرِّثِ	of the deceased
وَوُجُودُ	and existence
الْوَارِثِ	of the heir
وَوُجُودُ	and existence
التَّرِكَةِ	of the estate
وَالْوَرَثَةُ	And the heirs
ثَلَاثَةُ	three
أَصْنَافٍ	types
ذَوُو	those with
الْفُرُوضِ	the fixed shares
وَالْعَصَبَةُ	and the agnates
وَذَوُو	and those with
الْأَرْحَامِ	the uterine relatives
وَفُرُوضُ	And shares

الْمِيرَاثِ	of the inheritance
سِتَّةٌ	six
النِّصْفُ	the half
وَالرُّبُعُ	and the quarter
وَالثُّمُنُ	and the eighth
وَالثُّلُثَانِ	and the two-thirds
وَالثُّلُثُ	and the one-third
وَالسُّدُسُ	and the one-sixth
وَيُقَدَّمُ	And are prioritized
ذَوُو	those with
الْفُرُوضِ	the fixed shares
ثُمَّ	then
الْعَصَبَةُ	the agnates
ثُمَّ	then

ذَوُو	those with
الْأَرْحَامِ	the uterine relatives
وَإِنْ	And if
لَمْ	not
يَكُنْ	there is
وَارِثٌ	an heir
صُرِفَتْ	is transferred
التَّرِكَةُ	the estate
إِلَى	to
بَيْتِ	treasury
الْمَالِ	the public